

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF ALASKA

# LOCAL BANKRUPTCY RULES

*[AS AMENDED THROUGH JANUARY 1, 2008]*

[\[To go to desired rule, click on Rule number in Table of Contents\]](#)

**RULES AMENDED EFFECTIVE JANUARY 1, 2008**

[Rule 4001-2](#) "Use of Cash Collateral and Obtaining Post Petition Credit" and [9037-1](#) "Privacy Protection for Filings made with the Court."

**FORMS AMENDED EFFECTIVE JANUARY 1, 2008**

LBF 35 "Notice of Cash Collateral Hearing" and LBF 36 "Notice of Hearing on Motion to Obtain Credit."

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PART I – COMMENCEMENT OF CASE; PROCEEDINGS RELATING TO PETITION AND ORDER FOR RELIEF

**Rule 1001-1 Scope and Applicability of Local Rules**

**(a) Scope**

(1) These rules govern practice and procedure in the United States Bankruptcy Court for the District of Alaska.

(2) The court, on its own motion or the motion of any party, may modify or dispense with any of these rules in a particular case.

(b) **Applicability.** Unless otherwise indicated, these rules apply to all cases commenced under chapters 7, 9, 11, 12 and 13 of the Bankruptcy Code as amended, Title 11 of the United States Code ("Code").

(c) **Conflicts.** In the event of a conflict between these Rules and the Federal Rules of Bankruptcy Procedure, the Federal Rules of Bankruptcy Procedure prevail.

(d) **Forms.** Local Forms contained in the Appendix to these Local Rules may be cited as "AK LBR\_\_."

(e) **Citation.** These rules may be cited as "AK LBR\_\_."

**(f) Local District Rules Adopted**

(1) District of Alaska Local Rules 1.3, 5.1, 16.2, 39.3, 39.5, 40.2, 43.1, 54.1, 54.3, 58.2, 67.1, 68.3, and 80.1 apply to all matters, actions and proceedings before the Bankruptcy Court.

(2) The list contained in paragraph (f)(1) is not exclusive, other District of Alaska Local Rules are adopted in particular matters, including, but not limited to, the District of Alaska Local Rules listed in AK LBR 2090-1, 7001-1, and 9015-1.

(g) **Official Rules.** The rules maintained by the Clerk of the Court and posted on the court's website are the official rules of this court. In the event of any difference between the official rules maintained by the Clerk of the Court as posted on the Court's Website and the rules published by any commercial publisher, the official rules will control.

**Related Provisions:**

FRBP 9029	Power to Promulgate
D.AK LR 1.3	Sanctions
D.Ak LR 5.1	Filing and Proof of Service When Service is Required by Rule 5, Federal Rules of Civil Procedure
D.AK LR 16.2	Alternative Dispute Resolution
D.AK LR 39.3	Exhibits
D.AK LR 39.5	Courtroom Conduct
D.AK LR 40.2	Notice of Related Case
D.AK LR 43.1	Examination of Witnesses
D.AK LR 54.1	Taxation of Costs
D.AK LR 54.3	Award of Attorney's Fees
D.AK LR 58.2	Satisfaction of Judgments
D.AK LR 67.1	Deposits in Court
D.AK LR 68.3	Settlements and Judgments in Favor of a Minor
D.AK LR 80.1	Record of Proceedings
D.AK LR 83.3	Photographs, Video or Audio Recorders, Broadcasts Prohibited
AK LBR 2090-1	Admission & Practice of Attorneys
AK LBR 7001-1	Adversary Proceedings
AK LBR 9009-1	Local Forms
AK LBR 9015-1	Jury Trials

### **Rule 1001-2 Application of Amended Rules**

New or amended rules govern all existing, open proceedings from and after the effective date of the adoption of the new or amended rules to the extent that the new or amended rule does not unreasonably prejudice the rights of any party.

### **Rule 1002-1 Petitions**

(a) **General.** *[Abrogated]*

(b) **Joint Petitions.** A husband and wife commencing a joint case may file a single petition and pay a single filing fee.

(c) **Acceptance of Petition.** Acceptance of a petition for filing does not operate as a waiver of any of the provisions of the Bankruptcy Code or Federal Rules of Bankruptcy Procedure.

(d) **Tender of Rent Deposit.** A rent deposit as required by §362(l) tendered with the original petition must be:

(1) in the form of a bank certified or cashier's check or money order made payable to the lessor (not the Clerk) and;

(2) delivered to the Clerk of the Court not later than the business day next immediately following the day the petition is filed.

### **Related Provisions:**

11 U.S.C. § 109	Who May Be a Debtor
11 U.S.C. § 301	Voluntary Cases
11 U.S.C. § 302	Joint Cases
11 U.S.C. § 362	Automatic Stay
11 U.S.C. § 1116	Duties of Trustee or Debtor in Possession in Small Business Cases
28 U.S.C. § 1930	Bankruptcy fees
FRBP 1002	Commencement of Case
FRBP 1006	Filing Fee
FRBP 1007(a)	List of Creditors and Equity Security Holders
FRBP 1007(d)	List of 20 Largest Creditors in Chapter 9 Municipality Case or Chapter 11 Reorganization Case
FRBP 1008	Verification of Papers
FRBP 1015	Consolidation or Joint Administration
AK LBR 1004-1	Petition Filed by a Corporation or Partnership
AK LBR 1007-2	Matrix
AK LBR 1015-1	Joint Administration and Substantive Consolidation
AK LBR 4001-1	Motions for Relief From Stay
AK LBR 5001-2	Clerk's Office Location and Hours
AK LBR 5005-2	Number of Copies
AK LBR 5005-4	Electronic Filing
Official Form 1	Voluntary Petition
Official Form 3A	Application to Pay Filing Fee in Installments
Official Form 3B	Application for Waiver of Chapter 7 Filing Fee
Official Form 4	List of Creditors Holding 20 Largest Unsecured Claims

### **Rule 1003-1 Involuntary Petitions**

(1) An involuntary petition for relief must be accompanied by the filing fee and a Summons to Debtor, completed except for the signature of the clerk.

(2) The clerk will complete the summons and return it to the petitioner for service.

**Related Provisions:**

11 U.S.C. § 303	Involuntary Cases
FRBP 1003	Involuntary Petition
FRBP 1010	Service of Involuntary Petition and Summons; Petition Commencing Ancillary Case
FRBP 1011	Responsive Pleading or Motion in Involuntary and Ancillary Cases
FRBP 1013	Hearing and Disposition of a Petition in an Involuntary Cases
FRBP 1018	Contested Involuntary Petitions, <i>etc.</i>
AK LBR 1002-1	Petitions

**Rule 1004-1 Petition Filed by a Corporation, Partnership, or Limited Liability Company**

(a) **Signature.** A voluntary petition filed by a corporation, partnership, or limited liability company must be verified by a corporate officer, general partner of a partnership, or manager of a limited liability company as required by the appropriate official form.

(b) **Representation by Counsel.** A corporate, partnership, or limited liability company debtor must be represented by an attorney and the attorney must sign the petition.

**Related Provisions:**

11 U.S.C. § 303(b)(3)	Partnership Provisions
FRBP 1004	Partnership Petitions
FRBP 1008	Verification of Petitions and Accompanying Documents
AK LBR 1002-1	Petitions
AK LBR 1005-1	Caption of Petition
Official Bankruptcy Form 1	— Voluntary Petition
Official Bankruptcy Form 2	— Declaration Under Penalty of Perjury on Behalf of a Corporation or Partnership

**Rule 1005-1 Caption of Petition**

(a) **Individual.** The name of the debtor set forth in the caption must include his or her first name, middle initial, and last name, for example, "Robin A. Smith."

(b) **Joint.** The names of joint debtors must be set forth in the caption to include their first names, middle initials, and last name, for example, "John B. Smith and Mary C. Smith, husband and wife."

(c) **Individual with Business Entity.** An individual having an ownership interest in a corporation or partnership must file a separate petition for the corporation or partnership entity if bankruptcy relief is desired for that entity.

(d) **Partnership**

(1) If the debtor is a general partnership, the words "a general partnership" must follow the name.

(2) If the debtor is a limited partnership, the words "a limited partnership" must follow the name.

(e) **Limited Liability Company.** If the debtor is a limited liability company, the words "a limited liability company" or "LLC" must follow the name.

(f) **Corporation** If the debtor is a corporation, the words "a corporation" must follow the name and the state of incorporation indicated, for example, "ABC, Inc., an Alaska corporation."

**Related Provisions:**

11 U.S.C. § 301	Commencement of Case
11 U.S.C. § 303	Involuntary Cases
FRBP 1002	Voluntary Petition

FRBP 1004	Partnership Petition
FRBP 1005	Caption of Petition
FRBP 1008	Verification of Papers
AK LBR 1002-1	Petitions
AK LBR 1004-1	Petition Filed by a Partnership or Corporation
AK LBR 5001-2	Clerk's Office Location and Hours
AK LBR 5005-4	Electronic Filing
Official Bankruptcy Form 1 — Voluntary Petition	

### **Rule 1007-1 Form of Schedules and Statements**

(a) **Format.** Each schedule, statement and list must:

- (1) be legible;
- (2) be a separate document that contains all required information without reference to or incorporation of another schedule, document or list provided, however, that there may be appended thereto a separate list of items or information that—

[A] contains items or information relating to a single question or item on the schedule, statement or list to which the separate list is attached, and

[B] clearly identifies the question or item to which the attached list pertains; and

- (3) contains all information required by the official form and this rule.

(b) **Sequential Order of Documents.** Complete packages of schedules, statements and lists must be filed in the following order. When fewer than all documents in the following list are filed at any one time, the documents actually filed must be in the same order as well.

(1) Chapter 7

- Voluntary Petition (Form 1) with Exhibit "D" for individual debtors
- Schedules (Form 6)
- Statement of Financial Affairs (Form 7)
- Statement of Current Monthly Income and Means Test Calculation (Chapter 7) (Form 22A)
- Chapter 7 Individual Debtor's Statement of Intention (Form 8)
- Disclosure of Compensation
- Payment Advices (Pay Stubs)
- Matrix in original form
- Application to Pay Filing Fee in Installments (Form 3A) or Application for Waiver of Chapter 7 Filing Fee (Form 3B) **not** attached to the petition or any other document
- Individual Debtor's Certification of Completion of Credit Counseling **not** attached to the petition or any other document

(2) Chapter 11

- Voluntary Petition (Form 1) with Exhibit "A" for Corporate Debtors and Exhibit "D" for individual debtors
- In a small business case, the statement required by §1116(1) of the Code
- List of Creditors Holding 20 Largest Unsecured Claims (Form 4)
- Schedules (Form 6)
- Statement of Current Monthly Income (Chapter 11) (Form 22B)
- Statement of Financial Affairs (Form 7)
- Disclosure of Compensation
- Payment Advices (Pay Stubs)
- Matrix in original form



- ▶ Application to Pay Filing Fee in Installments (Form 3A) **not** attached to the petition or any other document
- ▶ Individual Debtor's Certification of Completion of Credit Counseling **not** attached to the petition or any other document

(3) Chapter 12

- ▶ Voluntary Petition (Form 1) with Exhibit "D" for individual debtors
- ▶ Schedules (Form 6)
- ▶ Statement of Financial Affairs (Form 7)
- ▶ Disclosure of Compensation
- ▶ Payment Advices (Pay Stubs)
- ▶ Matrix in original form
- ▶ Chapter 12 Plan, **not** attached to the petition or any other document
- ▶ Application to Pay Filing Fee in Installments (Form 3A) **not** attached to the petition or any other document
- ▶ Individual Debtor's Certification of Completion of Credit Counseling **not** attached to the petition or any other document

(4) Chapter 13

- ▶ Voluntary Petition (Form 1) with Exhibit "D" for individual debtors
- ▶ Schedules (Form 6)
- ▶ Statement of Current Monthly Income and Disposable Income Calculation (Chapter 13) (Form 22C)
- ▶ Statement of Financial Affairs (Form 7)
- ▶ Disclosure of Compensation
- ▶ Payment Advices (Pay Stubs)
- ▶ Matrix in original form,
- ▶ Chapter 13 Plan (AK LBF 5), **not** attached to the petition or any other document
- ▶ Application to Pay Filing Fee in Installments (Form 3A) **not** attached to the petition or any other document
- ▶ Individual Debtor's Certification of Completion of Credit Counseling **not** attached to the petition or any other document

(c) **Describing Property on Schedule A.** Each individual parcel of real property must be shown on Schedule A (Real Property) and, to the extent applicable, contain the following information:

(1) A complete legal description followed by its physical location (e.g., common or street address);

(2) description of all improvements on the property;

(3) municipal or borough tax assessment valuation;

(4) information from any appraisal of the property performed within the two (2) years preceding the petition filing date, including—

[A] value,

[B] identification of appraiser, and

[C] purpose of appraisal; and

(5) Any unusual or extraordinary items of condition that materially affect value or marketability of the property.

(d) **Describing Property on Schedule B.** Descriptions of property listed on Schedule B (Personal Property) must, to the extent applicable, comply with the requirements of this subsection.

(1) *General.*

[A] All items of personal property must contain:

(i) sufficient identifying information to permit any interested party to readily identify the item upon sight and independently assess its value, including information concerning the item's condition, suitability for its intended use, or marketability; and

(ii) its value or amount as of the date the petition is filed.

[B] For any item of property that is not in the physical possession of the debtor, its location and the name and address of the custodian must be provided.

(2) *Aggregating Items*. Except as otherwise specifically provided in paragraphs (d)(3), (d)(4), (d)(9), (d)(11), (d)(12), (d)(13), (d)(15), (d)(17), (d)(18), (d)(19), (d)(20), and (d)(21), items of the same general character having a value of less than the amount specified in § 522(d)(3) per individual item and an aggregate value of \$2,500.00, or less, should be generally identified and included as a single entry.

[A] The values of the individual items within the group need not be shown;

[B] the value to be inserted in the "value" column is the aggregate value of all items within the group; and

[C] aggregating items constitutes a certification that no individual item within the group has a value in excess of the amount specified in § 522(d)(3).

(3) *Bank or Financial Accounts*. For each account held by a financial institution, provide:

[A] account number;

[B] type of account; and

[C] name and location of financial institution.

(4) *IRAs, Pension and Profit Sharing Plans*. For each separate account or plan, provide:

[A] type of account or plan;

[B] plan, account, or other identifying number; and

[C] name and location of institution holding or trustee administering the account or plan.

(5) *Major Appliances*. Major appliances, e.g., washer, dryer, freezer, refrigerator, if not a fixture, should be identified by make.

(6) *Automobiles*. All motor vehicles, including off-road, recreational, all-terrain, and snow machines, must be separately itemized, and include:

[A] make (manufacturer);

[B] year of manufacture;

[C] model;

[D] type;

[E] if 4-wheel or all-wheel drive; and

[F] current license, registration, vehicle identification or serial number.

(7) *Animals/Pets*.

[A] Species/breed; and

[B] if show or registered animal provide relevant information.

(8) *Furniture*. Each article, item or set of furniture should include, where applicable and if reasonably available:

[A] manufacturer or brand name;

[B] year of manufacture or age;

[C] if a set, what it consists of; and

[D] if more than one identical item, the number of items.

(9) *Firearms*. Each firearm must be separately itemized and include:

[A] manufacturer;

[B] model;

[C] caliber; and

[D] year of manufacture.

- (10) *Cameras/Hobby Equipment*. Cameras and other hobby equipment should include:
- [A] manufacturer; and
  - [B] model.
- (11) *Musical Instruments*. Musical instruments should be separately itemized and include:
- [A] type;
  - [B] manufacturer; and
  - [C] model
- (12) *Clothing*.
- [A] Subject to paragraph (d)(2), ordinary clothing items should be scheduled by a generic name and quantity of each item grouped by category (e.g., men's clothes, women's clothes).
  - [B] Furs should be separately itemized.
- (13) *Jewelry*. Jewelry, other than costume jewelry, must be separately itemized and include:
- [A] number and size/weight of precious stones;
  - [B] material of the setting; and
  - [C] the source of valuation.
- (14) *Household Items*. Subject to paragraph (d)(2), ordinary household items, e.g., small appliances, cookware, serving ware, dishware, and silverware, should be scheduled by generic name and quantity and grouped as a single entry.
- (15) *Books/Pictures/Records/Knick-Knacks*.
- [A] Subject to paragraph (d)(2), the following items should be generally grouped and described by class and quantity:
    - (i) books, other than collector's editions;
    - (ii) CDs, DVDs, tapes, and records;
    - (iii) pictures or artwork of a general "decor" nature; and
    - (iv) knick-knacks and similar items of decor.
  - [B] Antiques (items over 100 years old) must be separately itemized and include:
    - (i) detailed description;
    - (ii) age; and
    - (iii) source of valuation.
  - [C] Collections and other collectibles, including "collector editions" of books, must be separately itemized and include:
    - (i) detailed description; and
    - (ii) source of valuation.
  - [D] "Collector prints" must be separately itemized and include:
    - (i) title;
    - (ii) name of artist;
    - (iii) number of print and number in series; and
    - (iv) source of valuation.
- (16) *Electronics/Computers*. Electronic items, including entertainment equipment and computers, should include:
- [A] manufacturer or brand name; and
  - [B] model number.
- (17) *Insurance policies*: To the extent applicable, for each insurance policy in which the debtor has an ownership interest, provide:
- [A] Name of issuer;
  - [B] policy number;
  - [C] face amount;
  - [D] cash surrender value;

[E] loan value; and

[F] current balance of any loan made against the policy.

(18) *Stocks, Bonds, Annuities, Negotiable Instruments*. Stocks, bonds, annuities, securities, negotiable or non-negotiable instruments, and similar investment instruments, must be separately itemized and for each include, to the extent applicable, the:

[A] name of issuer;

[B] type of instrument or class; and

[C] face amount or number of shares/units;

(19) *Partnership Interests and Interests in Limited Liability Companies and Unincorporated Associations*. Interests in partnerships, limited liability companies, investment clubs, unincorporated associations and similar entities, must be separately itemized and include:

[A] name of entity;

[B] type of entity;

[C] debtor's ownership interest in entity; and

[D] name and address of person having custody of the books and records of the entity.

(20) *Receivables and Debts Owed to Debtor*. Accounts receivable, promissory notes, and other debts owed to the debtor, must be separately itemized and include:

[A] name and address of obligor;

[B] face or original amount;

[C] date incurred or aging report;

[D] amount owed; and

[E] whether the obligor is current or delinquent.

(21) *Licenses, franchises*. Licenses, franchises, and similar rights held by the debtor, must be separately itemized and include:

[A] name and address of licensor/licensee or franchiser/franchisee;

[B] brief description of license or franchise; and

[C] whether payments are current or delinquent.

(22) *Aircraft*. For each aircraft, provide:

[A] manufacturer;

[B] year of manufacture;

[C] model number;

[D] power plant type and horsepower;

[E] make and model of all installed avionics;

[F] if equipped with floats, the—

(i) manufacturer,

(ii) model, and

(iii) year of manufacture or model year;

[G] Federal Aviation Administration hull number; and

[H] source of valuation information.

(23) *Boats*. For each vessel, personal water craft, boat, canoe, or similar water-borne vehicle, to the extent applicable, include:

[A] year of manufacture;

[B] make (manufacturer);

[C] serial or other manufacturer's identifying number;

[D] length, beam and, if applicable, displacement;

[E] model and/or type;

[F] description of power plant;

[G] make and model of all installed or associated electronics (navigation and communications);

[H] gear, tackle, rigging, and other appurtenances installed or associated with the vessel;

[I] state or federal registration number; and

[J] source of valuation information.

(24) *Tools.*

[A] Subject to paragraph (d)(2), hand tools, including small, hand-held power tools, should be aggregated as single entry.

[B] Large tools should include, to the extent applicable, the information specified in paragraph (d)(25).

(25) *Business & Farming Equipment and Implements.* Each item must, to the extent applicable, include:

[A] make, manufacturer, or brand;

[B] model number or type;

[C] license, registration, serial or other identifying number; and

[D] source of valuation.

(e) **Describing Property on Schedule C.**

(1) The description provided for property items listed on Schedule C (Property Claimed as Exempt) must be identical to the description used to describe that item on Schedule A in the case of real property or Schedule B in the case of personal property.

(2) The schedule of exemptions must not incorporate by reference any other schedule, statement, or list.

(f) **Income and Expenses on Schedules I and J.** Items of income (Schedule I) and expenses (Schedule J) must be reported using the following guidelines.

(1) *Income.*

[A] Gross income from wages or salary per month is the average income per month for the six-month period, or such shorter period if received for less than six (6) months, immediately preceding the date the petition is filed.

[B] Payroll deductions for taxes are to be determined using the applicable amounts specified by Internal Revenue Service Circular E using the appropriate number of exemptions that may be properly claimed by the debtor.

[C] Other income received on a recurring basis during the year, if received other than on a monthly basis, e.g., Alaska Permanent Fund or stock dividends (including dividends received from Alaska Native Corporations), is to be pro-rated as though received in equal monthly installments.

[2] *Expenses.*

[A] Variable regular monthly expenses, e.g., utilities, are to be computed as an average over a period of one (1) year (twelve (12) months).

[B] Expenses paid on a regular basis other than monthly, e.g., insurance or estimated income taxes, are to be pro-rated as though paid in equal monthly installments.

[C] Unusual, extraordinary, one-time expenses that are not reasonably expected to recur, e.g., medical expenses resulting from an accident, are not to be included.

(g) **Married Individuals.** A husband and wife filing jointly must file a single set of schedules and statement of financial affairs.

(h) **No Blank Items.** The word "none" or the words "not applicable," as appropriate, must be entered for each item in the schedules and statements of affairs not otherwise completed.

(i) **Statement of Social Security Number.** The Statement of Social Security Number (Form 21) is to be submitted with the petition to the Clerk of the Court, but is **not** to be filed or attached to the

petition or any other document. Participants in the ECF System shall, immediately after the electronic filing of a petition, submit the Statement of Social Security Number (Form 21) electronically, in the same manner as provided in AK LBR 5005-4(d)(4) for proposed orders.

**Related Provisions:**

11 U.S.C. § 101(51C)	"small business case"
11 U.S.C. § 101(51D)	"small business debtor"
11 U.S.C. § 109	Who may be a debtor
11 USC § 111	Nonprofit budget and credit counseling agencies; financial management instructional courses
11 U.S.C. § 521	Debtor's duties
11 U.S.C. § 522	Exemptions
11 U.S.C. § 727	Discharge
11 U.S.C. § 1116	Duties of trustee or debtor in possession in small business cases
11 U.S.C. § 1129	Confirmation of plan
11 U.S.C. § 1325	Confirmation of plan
11 U.S.C. § 1328	Discharge
FRBP 1007	Lists, Schedules and Statements; Time Limits
FRBP 1008	Verification of Petitions and Accompanying Papers
FRBP 2015(a)	Duty to Keep Records, Make Reports, and Give Notice of Case — Trustee or Debtor in Possession
FRBP 9004	General Requirements of Form
FRBP 9009	Forms
Official Form 1	Voluntary Petition (and Exhibits A, B, C, and D thereto)
Official Form 3A	Application to Pay Filing Fee in Installments
Official Form 3B	Application for Waiver of Chapter 7 Filing Fee
Official Form 6	Schedule of Assets and Liabilities
Official Form 7	Statement of Financial Affairs
Official Form 8	Statement of Intentions
Official Form 22A	Statement of Current Monthly Income and Means Test Calculation (Chapter 7)
Official Form 22B	Statement of Current Monthly Income (Chapter 11)
Official Form 22C	Statement of Current Monthly Income and Disposable Income Calculation (Chapter 13)
AK LBR 1002-1	Petitions
AK LBR 1007-2	Matrix
AK LBR 1009-1	Amendment of Schedules and Matrix
AK LBR 5001-2	Clerk's Office Location and Hours
AK LBR 5005-2	Number of Copies
AK LBR 5005-4	Electronic Filing

**Rule 1007-2 Matrix**

**(a) Format.**

(1) The list of entities filed as required by Rule 1007(a), Federal Rules of Bankruptcy Procedure, as thereafter updated by the clerk's office, is referred to as the "Master Mailing List" or "Matrix."

(2) The format of the matrix filed under Rule 1007(a) must be as follows:

[A] Type Style —10 point or 10 pitch type size only (Courier 10 Pitch, Prestige Elite, and Letter Gothic are preferable, avoid dot-matrix printing or proportionally-spaced fonts);

[B] 1 inch margins at the top, bottom and sides of the page—

(i) if the matrix is filed conventionally with the petition, submitted on 8½ by 11 inch white, bond paper and,

(ii) if possible, also submitted in ASCII text on a 3.5" floppy disk;

[C] Addresses—

(i) in a single column, single spaced, using upper and lower case letters, and

(ii) double spaced between addresses;

[D] Names and addresses left justified, flush against the left margin;

[E] Names—

(i) individuals are to be listed last name first, followed by first name and middle name or initial (e.g., Jones, Mary J), or

(ii) entities that are not individuals are to be listed using the complete true name provided by the entity to receive notice (e.g., First National Bank of Alaska, not First National Bank or FNBA, or GMAC Mortgage not GMAC);

[F] Each address to—

(i) consist of no more than five (5) total lines, with

(ii) each line containing forty (40) characters or less (including blank spaces);

[G] Attention lines or account numbers may be placed only on the second line of the name/address entry;

[H] City, state and ZIP code on the last line, with the ZIP code the last entry on the last line for each creditor address;

[I] use two-letter abbreviations for states;

[J] use a hyphen between the two groups of digits in nine-digit ZIP codes (ZIP+4);

[K] omit punctuation (periods after middle initials, PO Boxes, USA, etc);

[L] exclude page numbers, headers or footers;

[M] exclude the debtor, debtor's attorney or panel trustee;

[N] If a paper matrix is conventionally filed, on the reverse side of each page must appear—

(i) the debtor's name, and

(ii) page \_\_\_\_ of \_\_\_\_ pages (with appropriate numbers).

(b) **Amendments.** [*Abrogated*]

(c) **Accuracy of Matrix.** The debtor is responsible for ensuring that the matrix accurately reflects the names and addresses of the debtor, debtor's attorney, and those entities listed on Schedules D, E, F, G, and H of Official Bankruptcy Form 6.

(d) **Government Entity as Creditor.** Whenever a governmental unit (federal, state, local government entity or political subdivision of the state, or any agency thereof) is scheduled as a creditor or as having a claim against the estate or the debtor, both the governmental unit and, as a separate entry, its legal department, must be included on the mailing matrix and schedules. [*E.g., United States Attorney, Alaska Department of Law, Municipal Attorney.*]

#### **Related Provisions:**

11 U.S.C. § 342 Notice

11 U.S.C. § 521(1) Debtor's Duties

11 U.S.C. § 1116 Duties of trustee or debtor in possession in small business cases

FRBP 1007 Lists, Schedules and Statements; Time Limits

FRBP 2002(j) Notices to the United States

AK LBR 1002-1 Petitions

AK LBR 1007-1	Form of Schedules and Statements
AK LBR 1009-1	Amendment of Schedules and Matrix
AK LBR 5001-2	Clerk's Office Location and Hours
AK LBR 5005-2	Number of Copies
AK LBR 5005-4	Electronic Filing
Official Form 1	Voluntary Petition
Official Form 4	List of Creditors Holding 20 Largest Unsecured Claims
Official Form 6D	Creditors Holding Secured Claims
Official Form 6E	Creditors Holding Unsecured Priority Claims
Official Form 6F	Creditors Holding Unsecured Nonpriority Claims
Official Form 6G	Executory Contracts and Expired Leases
Official Form 6H	Co-Debtors

## **Rule 1009-1 Amendment of Schedules and Matrix**

### **(a) Schedule of Debts**

(1) *Requirements for Amendment.* Amended schedules must be filed in the same number of copies as required for the original schedules and accompanied by:

- [A] if amended to include additional creditors or equity security holders, an amended mailing matrix as provided in subsection (c);
- [B] an amended summary of schedules; and
- [C] the statutory filing fee, if required.

#### **(2) Notice.**

- [A] Notice of the amendment must be given to—
  - (i) any creditor or equity security holder added,
  - (ii) the trustee,
  - (iii) any entity affected by it, and
  - (iv) the United States trustee.

[B] In addition to the notice required by Rule 1009, Federal Rules of Bankruptcy Procedure, the amending party must mail a copy of the notice issued by the court under Rule 2003, Federal Rules of Bankruptcy Procedure to all creditors or equity security holders added by the amendment.

**(b) Schedule of Property Claimed as Exempt.** Upon filing, copies of any amendment of Schedule of Property Claimed as Exempt must be:

- (1) transmitted to the United States trustee; and
- (2) served on—
  - [A] the trustee,
  - [B] any entity holding or claiming an interest in the property, and
  - [C] any attorney or party who has filed an appearance or demand for notice.

### **(c) Amendments to the Master Mailing Matrix**

(1) All amendments to the matrix (additions and deletions) should be in pleading format and have attached a matrix including only the additions or deletions to the matrix, in the format specified in LBR 1007-2(a)(2).

(2) The amended matrix must:

- [A] contain an unsworn declaration of the debtors in accordance with Rule 1008, Federal Rules of Bankruptcy Procedure; and
- [B] be accompanied by the appropriate filing fee.

(3) A new master mailing list may not be substituted for an existing master mailing list unless approved by the clerk or the court.



(4) The party amending the matrix must give notice as provided in paragraph (a)(2).

**Related Provisions:**

28 U.S.C. § 1930(b)	Statutory Fees
11 U.S.C. § 523(a)(3)	Effect of Not Listing or Scheduling a Creditor
FRBP 1009	Amendments of Voluntary Petitions, Lists, Schedules and Statements
FRBP 1019	Conversion of Cases
FRBP 2003	Meeting of Creditors or Equity Security Holders
FRBP 4003	Exemptions

**Rule 1015-1 Joint Administration and Substantive Consolidation**

(a) **Motion.** Except as specifically provided for in this rule for joint cases, all motions for joint administration or substantive consolidation under Rule 1015, Federal Rules of Bankruptcy Procedure, must be:

- (1) filed in each affected case ;
- (2) transmitted to the United States trustee; and
- (3) served on the—
  - [A] debtors,
  - [B] trustees, and
  - [C] any committee(s) appointed in the cases.

(b) **Notice.** Except as specifically provided for in this rule for joint cases, twenty (20) days notice of a Motion for Joint Administration or Substantive Consolidation conforming to AK LBF 27 or AK LBF 28, as appropriate, must be mailed to the master mailing list in each affected case.

(c) **Joint Administration of Joint Cases Commenced Under 11 U.S.C. § 302**

(1) Unless upon motion by the debtors, any party in interest, the trustee or the United States trustee, the court orders otherwise, the estates of debtor spouses filing a joint petition will be jointly administered.

(2) Not later than thirty (30) days following the conclusion of the Meeting of Creditors held under § 341 of the Code, a motion that joint cases not be jointly administered must be:

- [A] filed;
- [B] transmitted to the United States trustee; and
- [C] served on the trustee.

(d) **Substantive Consolidation of Joint Cases Commenced Under 11 U.S.C. § 302.**

(1) The filing of a joint petition under chapters 7, 12 and 13 of the Code constitutes a motion by the debtors that the separate estates of the debtors be substantively consolidated.

(2) Any party in interest, the debtors, trustee or the United States trustee may file an objection to substantive consolidation of the separate estates.

[A] An objection to substantive consolidation must be filed not later than the date set for filing a proof of claim under Rule 3002, Federal Rules of Bankruptcy Procedure, and—

- (i) transmitted to the United States trustee, and
- (ii) served on the debtors and trustee.

[B] The party objecting to substantive consolidation must:

- (i) within three (3) business days after filing the objection, submit a Calendar Request (AK LBF 7) requesting a hearing on substantive consolidation; and
- (ii) give not less than fifteen (15) days notice of the hearing to all parties on the master mailing list.

(3) If no objection to substantive consolidation is served and filed by the time specified in paragraph (d)(2), the estates will be substantively consolidated without further order of the court.

**Related Provisions:**

11 U.S.C. § 302	Joint Cases
FRBP 1015	Consolidation or Joint Administration of Cases Pending in Same Court
FRBP 9013	Motions: Form and Service
FRBP 9014	Contested Matters
AK LBR 9013-1	Briefs; Memoranda
AK LBF 7	Bankruptcy Court Calendar Request
AK LBF 27	Notice of Motion to Jointly Administer Cases
AK LBF 28	Notice of Motion to Substantively Consolidate Cases

**Rule 1017-1 Conversion of Cases**

(a) **Conversion Under 11 U.S.C. § 706(a).** A motion by the debtor under § 706(a) of the Code to convert the case from a case under chapter 7 of the Code to a case under chapter 11, 12, or 13 of the Code:

(1) is governed by AK LBR 9013-2(a); and

(2) must be—

[A] transmitted to the United States trustee, and

[B] served on the trustee; and

(3) 20 days notice of the motion must be given to the master mailing matrix in substantially the form as provided in LBF 39. .

(b) **Conversion Under 11 U.S.C. § 1112(a).** A motion by the debtor under § 1112(a) of the Code to convert the case from a case under chapter 11 of the Code to a case under Chapter 7 of the Code:

(1) is governed by AK LBR 9013-2(a); and

(2) must be:

[A] transmitted to the United States trustee; and

(B) served on—

(i) any committee appointed in the case, and

(ii) the holders of secured claims.

**Related Provisions:**

11 U.S.C. § 706	Conversion
11 U.S.C. § 1112	Conversion or Dismissal
FRBP 1017	Conversion or Dismissal
FRBP 9013	Motions; Form and Service
AK LBR 9013-1	Briefs; Memoranda
AK LBR 9013-2	Motion Practice
AK LBF 39	Notice of Debtor's Motion to Convert Case to a Case Under Chapter ____

**Rule 1020-1 Chapter 11 Small Business Cases**

(a) **Documents to Accompany Petition.** Unless otherwise ordered by the court, in any case that has been designated as a small business case in the petition, the debtor must comply with the provisions of §1116(1) of the Code.

(b) **Objections to Claims, Valuation and Claims Estimation.** In small business cases:

(1) [A] Objections to claims under Rule 3007, Federal Rules of Bankruptcy Procedure must be filed not later than thirty-five (35) days after the claims bar date.

[B] Absent good cause shown, objections to claims must be scheduled for hearing at or before the confirmation hearing.

(2) Requests for valuation of security under Rule 3012, Federal Rules of Bankruptcy Procedure and estimation of contingent and unliquidated claims under §502(c) of the Code must:

[A] be served and filed not less than thirty-five (35) days prior to the confirmation hearing; and

[B] unless otherwise ordered by the court, heard concurrently with the confirmation hearing.

(c) **Caption.** In a small business case, the caption should include in parenthesis after the chapter number the letters “SB”; e.g. Chapter 11(SB).

**Related Provisions:**

11 U.S.C. § 101(51C) “small business case”

11 U.S.C. § 101(51D) “small business debtor”

11 U.S.C. § 502(c) Contingent and Unliquidated Claims

11 U.S.C. § 1102 Creditors' and Equity Security Holders' Committees

11 U.S.C. § 1116 Duties of trustee or debtor in possession in small business cases

11 U.S.C. § 1121 Who May File a Plan

11 U.S.C. § 1125 Postpetition Disclosure and Solicitation

FRBP 1007 Lists, Schedules, Statements, and Other Documents; Time Limits

FRBP 1017 Dismissal or Conversion of Case; Suspension

FRBP 1020 Small Business Reorganization Case

FRBP 3007 Objections to Claims

FRBP 3012 Valuation of Security

FRBP 9014 Contested Matters

AK LBR 2071-1 Creditors' Committees

AK LBR 3016-1 Chapter 11 Disclosure Statements

AK LBR 3016-2 Chapter 11 Plans

**Rule 2002-1 Notices**

**(a) Party to Give**

(1) Unless otherwise ordered by the court, or as specifically provided in the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure or these Rules, notices will be served on the parties entitled to notice as follows:

(2) The Clerk of the Court will serve:

[A] in all cases under chapters 7, 9, 11, 12, and 13, the notices specified in Rules 2002(a)(1), (f)(1) and (f)(4)-(6), Federal Rules of Bankruptcy Procedure;

[B] in all cases under chapters 7 and 13, the notices specified in Rule 2002(f)(2)-(3) and 4004(g), Federal Rules of Bankruptcy Procedure; and

[C] in all other instances where notice is authorized or directed by the Administrative Office of the United States Courts to be given through the Bankruptcy Noticing Center.

(3) The case trustee will serve the notices specified in Rules 2002(a)(4) and (f)(8), Federal Rules of Bankruptcy Procedure.

(4) All other notices will be served by the party requesting an order or other act.

**(b) Content of Notices**

(1) Unless otherwise ordered by the court, or provided in the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or these rules, whenever the Code or Rules authorize any act, or authorize the court to enter an order, "after notice and hearing" or a similar phrase, the party giving the notice must state in the notice:

[A] that the act may be performed or the court may enter an order without an actual hearing unless a party in interest serves and files an objection in writing within a specified time; or

[B] that the court has entered the order or authorized the act to be done without a hearing.

(2) Notice of any Application, Motion, Stipulation or other matter that requires notice be given by the initiating party and, unless otherwise elsewhere specified by statute, Federal Rules of Bankruptcy Procedure or Local Rule, must include:

[A] a summary, fairly summarizing the relief requested, which must include—

(i) an accurate legal description of any real property involved,

(ii) list of any personal property or intangibles involved,

(iii) amounts of money and from whom claimed, to whom to be paid or delivered, and

(iv) the basis for seeking the relief;

[B] date by which a response is due;

[C] place or addresses upon which any response is to be made;

[D] if a hearing is required, the date and time of the hearing as set by the court after the submission of a Bankruptcy Court Calendar Request (LBF 7) by the moving party; and

[E] unless contained in the information required by subparagraph (2)[A], an accurate, complete description of any real property, personal property or intangibles involved.

(3) Double-sided copying may be used to reduce costs of notice.

**(c) To Whom Given**

(1) Except as otherwise specifically provided by the rules or ordered by the court, "Notice," as used in these rules means notice by first class mail or electronically to:

[A] all creditors,

[B] equity security holders,

[C] indenture trustee,

[D] the debtor,

- [E] the debtor's attorney,
  - [F] the attorney or chair of any committee appointed in the case, and
  - [G] any other parties in interest, and any other person or entity known to have or claim a legal or equitable interest in the subject matter of the noticed matter.
- (2) [A] The addresses utilized in notices to creditors, equity security holders or indenture trustees is governed by Rule 2002(g), Federal Rules of Bankruptcy Procedure.
- [B] A master mailing list of names and addresses, filed under Local Rule and updated in accordance with Rule 2002(g) may be obtained from the clerk.
- [C] Notice required to be given to all creditors is presumed to be appropriate if mailed or sent electronically to all entries on a master mailing list:
- (i) certified updated by the clerk within twenty (20) days of the date notice is sent; or
  - (ii) if obtained electronically, bearing a computer generated date within twenty (20) days of the date notice is sent.
- (3) Whenever less inclusive notice is provided for by the rules or order of the court, as an alternative, service may be made on the master mailing list.
- (d) **Telephonic Notice of Emergency Motions and Hearings.** Notwithstanding the provisions of subsections (b) and (c), the court may allow telephonic notice of emergency motions and hearings for cause shown.
- (e) **Certificate of Service**
- (1) After giving notice, unless otherwise ordered, not less than five (5) days prior to the date objections or responses are to be filed, the noticing party must file:
- [A] the notice; and
  - [B] an affidavit of mailing with a list of persons, and their addresses, to whom the notice was sent.
- (2) If notice to all creditors is required, the court will enter an order based on that notice only if the list of persons to whom the notice was sent is a copy of the master mailing list described in subparagraph (c)(2)[C].
- (f) **Certificate of No Objections.** A party that has complied with the requirements of this Rule and received no objection to the request, may:
- (1) file a certificate of no objections, signed under penalty of perjury, that substantially conforms to AK LBR 4; and
  - (2) lodge a proposed order.

#### **Related Provisions:**

FRBP 2002	Notices to Creditors, Equity Security Holders, United States, and United States Trustee
FRBP 9007	Authority to Regulate Notices
FRBP 9014	Contested Matters
FRBP 9019	Compromise and Settlement
FRBP 9034	Transmittal of Pleadings, Motion Papers, Objections, and Other Papers to the United States Trustee
FRBP 9036	Notice by Electronic Transmission
AK LBR 1007-1	Matrix
AK LBR 1009-1	Amendment of Schedules and Matrix
AK LBR 2081-1(b)	Status Conferences in Chapter 11 Cases
AK LBR 5005-4	Electronic Case Filing
AK LBR 5075-1(b)	Delegation of Ministerial Orders and Notices
AK LBR 7016-1(e)	Pretrial Procedures

AK LBR 9021-1(c), (e)	Orders, Findings, Conclusions, Judgments
AK LBR 9036-1	Request for Notice by Electronic Transmission
AK LBR 9075-1	Hearings; Trials
AK LBF 4	Certificate of No Objections
AK LBF 7	Bankruptcy Court Calendar Request
AK LBF 11	Notice of Application for Order
AK LBF 17	Notice of Application for Approval of Stipulation or Settlement Agreement
AK LBF 18	Notice of Application for Order of Dismissal or Conversion of Case

### **Rule 2003-1 Meeting of Creditors and Security Holders**

(a) **Failure to Attend or File Schedules.** *Abrogated*

(b) **Continuances.** Requests for a continuance must be made in writing to the Office of the United States trustee, unless an adjournment is granted by the presiding officer on the record at the regularly scheduled meeting of creditors.

(c) **Telephonic Appearances**

(1) A request for a telephonic appearance by the debtor(s), *i.e.*, request for waiver of personal appearance, must be:

[A] made in writing to the Office of the United States trustee; and

[B] be supported by an affidavit or declaration under penalty of perjury of the requestor attached to the request.

(2) The United States trustee may adopt additional written guidelines for the regulation of meetings of creditors.

(d) **Waiver of Personal Appearance.**

(1) The court may grant a waiver of personal appearance, other than a request for telephonic appearance, on the motion of the debtor(s) for good cause shown after notice given to all interested parties and hearing.

(2) Motions for waiver of personal appearance must:

[A] be supported by affidavit or declaration under penalty of perjury setting forth in particular the facts that preclude personal appearance;

[B] set forth any alternative means reasonably available by which the trustee or any interested party may examine the debtor and obtain responses under oath, including, but not necessarily limited to, methods prescribed by Rules 26-36, Federal Rules of Civil Procedure; and

[C] be served on the trustee and transmitted to the United States trustee.

(3) [A] The court may, in its discretion, order the debtor to provide responses to any matter subject to inquiry by the trustee or any interested party by deposition upon written questions under Rule 31, Federal Rules of Civil Procedure.

[B] For the purposes of this paragraph, only the trustee, the United States trustee, and those interested parties actually appearing at the meeting of creditors will be considered a "party" within the scope of Rule 31.

(e) **Individual Debtors in Chapters 7, 11, and 13.** An individual debtor in a case filed under chapter 7, 11 or 13 of the Code must be prepared to explain:

(1) how the current monthly income listed on the Official Form 22 was calculated;

(2) how the tax expense was calculated; and

(3) the basis for any Additional Expense Claims.

### **Related Provisions:**

11 U.S.C. § 341 Meetings of Creditors and Equity Security Holders

11 U.S.C. § 343	Examination of the Debtor
FRBP 1007	Lists, Schedules, and Statements; Time Limits
FRBP 2003	Meeting of Creditors or Equity Security Holders
FRBP 4002	Duties of Debtor
Official Form 22A	Statement of Current Monthly Income and Means Test Calculation (Chapter 7)
Official Form 22B	Statement of Current Monthly Income (Chapter 11)
Official Form 22C	Statement of Current Monthly Income and Disposable Income Calculation (Chapter 13)
AK LBR 4002-1	Debtor – Duties

#### **Rule 2004-1 Rule 2004 Examinations**

A motion for an order allowing the examination of an entity under Rule 2004, Federal Rules of Bankruptcy Procedure, must:

- (1) be in form substantially in similar to AK LBF 8; and
- (2) be accompanied by an order substantially similar to AK LBF 9.

#### **Related Provisions:**

FRBP 2004	Examination
AK LBF 8	Motion for Order for Rule 2004 Examination
AK LBF 9	Order for Rule 2004 Examination

#### **Rule 2007.1-1 Election of Trustee in Chapter 11 Cases**

*[ABROGATED IN ITS ENTIRETY; SUPERCEDED BY FED. R. BANKR. P. 2007.1, AS AMENDED]*

#### **Rule 2015-1 Trustees – General**

##### **(a) Funds of the Estate**

(1) Funds of a chapter 7, 11, 12 or 13 estate must be deposited in an account authorized by § 345 of the Code.

(2) If at any time the total amount deposited exceeds the FDIC insurance limits, the funds must be deposited with an entity posting a bond approved by the United States trustee.

##### **(b) Return of Documents.**

(1) Except to the extent otherwise provided by law, or order of the court, the trustee:

[A] if return of the document has not been requested, may destroy the document; or

[B] if return is requested in writing, must return the document to the person who provided the document within a reasonable time after the case is closed.

(2) The trustee may require any person who has requested the return of a document or paper to provide the trustee with a stamped, self-addressed return envelope or otherwise bear all expenses incurred for the return.

#### **Related Provisions:**

11 U.S.C. § 112	Prohibition on the disclosure of name of minor children
11 U.S.C. § 345	Money of Estates
11 U.S.C. § 521	Debtor's Duties
11 U.S.C. § 704	Duties of Trustee
11 U.S.C. § 1106	Duties of Trustee and Examiner
11 U.S.C. § 1202	Trustee
11 U.S.C. § 1302	Trustee

FRBP 2015	Duty to Keep Records, Make Reports, and Give Notice of Case
FRBP 6002	Accounting by Prior Custodian of Property of the Estate
Privacy Policy, Judicial Conference of the United States	
AK LBR 4002-1	Debtor – Duties

## **Rule 2015-2 Monthly Financial Reporting Requirements**

### **(a) Cooperation with United States Trustee**

(1) The trustee or debtor in possession in chapter 11 cases, debtors in business chapter 13 cases, and debtors in chapter 12 cases are required to cooperate with the United States trustee by furnishing all information the United States trustee requires to supervise the administration of the estate.

(2) All debtors in possession and trustees must use forms substantially complying with the forms for financial reporting established by the United States trustee, unless the United States trustee authorizes modifications in a particular case.

### **(b) Disposition of Original Reports.**

(1) In chapter 11, 12 and 13 cases, where the financial report is filed electronically, the original (bearing the original signatures) must be hand delivered or placed in the mail to the U.S. trustee within one (1) business day of the date the report is filed electronically.

(2) In chapter 11, 12 and 13 cases, where the financial report is filed conventionally, the original (bearing the original signatures) will be transmitted by the clerk to the U.S. trustee after it is imaged (scanned) and docketed.

(c) **Public Review.** Copies of all financial reports filed are to be available for review during normal business hours by any interested party at the office of counsel for the debtor in possession (or the trustee, if one is appointed) and the principal place of business of the debtor (or the trustee, if one is appointed).

### **Related Provisions:**

11 U.S.C. § 704	Duties of Trustee
11 U.S.C. § 1106	Duties of Trustee and Examiner
11 U.S.C. §1107	Rights, Powers, and Duties of Debtor in Possession
11 U.S.C. § 1302	Trustee
FRBP 2015(a), (c)(1)	Duty to Keep Records, Make Reports and Give Notice of the Case —Trustee or Debtor in Possession, Chapter 13 Trustee
AK LBR 3015-1	Chapter 13 Plans
AK LBR 5005-4	Electronic Filing

## **Rule 2016-1 Compensation of Trustees and Professional Fees**

(a) **General.** Except as otherwise specifically provided in this rule, requests for compensation and reimbursement under § 330 of the Code must comply with the guidelines promulgated by the Office of the United States Trustee.

### **(b) Trustee.**

(1) Applications for compensation for services as trustee must state the maximum amount payable to the trustee as compensation under § 326(a) of the Code.

(2) [A] In each Chapter 13 case that is dismissed prior to confirmation of a plan, the standing trustee may deduct, after payment of court fees and costs and other § 503(b) administrative expenses, the sum of \$400.00 and an additional amount of \$80.00 for each hearing or meeting of creditors beyond the initial meeting that the trustee attended, from funds available for return to the debtors.



[B] The award under this paragraph may not exceed the amount specified in Rule 2002(a)(6), Federal Rules of Bankruptcy Procedure, without a separate application.

[C] The debtor may object to an award under this paragraph within ten (10) days of the entry of the order dismissing the case.

**(c) Attorney or Accountant for Trustee, Debtor in Possession, Debtor, Creditors' Committee, or Professional Under 11 U.S.C. § 503(b)(4).**

(1) [A] Applications for compensation and reimbursement under § 330(a) of the Code must be preceded by an order authorizing the employment of the professional.

[B] Unless otherwise specifically authorized by statute, rule or order of the court, an application for allowance of professional fees must be filed before payment of professional fees, including cases where employment of a professional on a contingency fee or percentage basis has been authorized by the court.

[C] Fees are not recoverable:

(i) for services rendered in preparing the trustee's application to authorize employment of a professional; or

(ii) in the absence of exigent circumstances, for services performed prior to the date employment is authorized by the court.

(2) Requests for compensation and reimbursement under §§ 330(a) and 503(b)(4) of the Code must contain a statement that the compensation sought will not be shared with another person except as provided in § 504 of the Code.

(3) Applications for compensation for services as attorney, accountant or other professional for the trustee, debtor in possession, debtor, creditors' committee, or under § 503(a)(4) of the Code must include the following detail:

[A] a statement that all services for which compensation is requested were performed for or on behalf of the trustee, debtor in possession, debtor, or creditors' committee, and not on behalf of a creditor or any other entity, except in the case of a professional seeking compensation under § 503(b)(4) of the Code;

[B] a separate itemization of each service rendered, including—

(i) the date for each item,

(ii) the actual time spent on each item, and

(iii) the charge for the item;

[C] each item of service must be sufficiently descriptive to enable the court to determine whether the service was reasonable—

(i) an entry such as "research" or "telephone call" will not be sufficient, and

(ii) items should not be aggregated, the time spent and the description of individual tasks should be distinctly identified;

[D] use of minimum time increments no larger than 1/10 of an hour;

[E] a statement of the hourly billing rate of each professional person, legal assistant or employee for whom compensation is sought;

[F] an itemization of costs by category and method of computation; and

[G] identify any board certifications in the bankruptcy field held by the applicant.

(4) [A] Applications by an attorney or accountant for a debtor must in addition show that all services performed were in connection with the performance by the debtor of the duties prescribed by the Code, were otherwise beneficial to the debtor's estate or were rendered under an order of the court.

[B] Services on behalf of the debtor in discharge and dischargeability actions are not compensable from the estate.

(5) Except as provided in paragraph (h)(2) of this Rule, applications for fees and expenses must:

[A] be categorized to group identifiable projects separately;

[B] include a narrative description of major projects; and

[C] include a description of the bill attributable to all categories. For example, representation of a party in an adversary proceeding, a major contested matter, or plan formulation, are categories that are to be separately reported on the fee application.

(6) [A] Except as otherwise ordered by the court or provided by rule, applications must be noticed by the applicant in accordance with AK LBR 2002-1(a).

[B] Applicants must keep themselves informed as to the progress of administration of the estate so that notice may be included in the notice of the final accounting, or so that notice can be sent within the time allowed after confirmation of a plan in a case under chapter 9 or 11.

(7) The court may, in its discretion, order a hearing even if no objection is filed.

**(d) Interim Fees**

(1) No interim fees or expenses for attorneys or accountants will be paid in a chapter 7 proceeding unless the trustee certifies or the applicant can clearly demonstrate that interim payment would not prejudice any party having a higher or equal priority or claim to the funds.

(2) [A] The court may, on its own motion or at the request of a party in interest, order that a percentage of the fees requested in an interim application that are found to be reasonable will not be disbursed at the time of approval of the interim application but will instead be held back pending the court's action on a final fee application.

[B] The amounts held back —

(i) may be applied for as part of the final fee application, but

(ii) may not be placed in escrow.

[C] Any payment allowed as part of the final fee award will depend, among other factors, upon the assets available for payment at that time.

**(e) Pre-Petition Retainers**

(1) In all cases in which court approval of the payment of professional fees is required, a pre-petition retainer is considered property of the estate being administered, and:

[A] must be segregated in a separate trust account; and

[B] may not be applied to fees or costs incurred after the filing of the petition without an order of the court.

(2) A professional holding a pre-petition retainer must, in conjunction with the fee application, give notice that the professional intends to apply the retainer to post-petition fees and disbursements.

[A] A retainer may not be applied without a court order approving an application for interim or final compensation.

[B] The court may review the amount and circumstances of any retainer and may order a refund to the estate or other action as appropriate.

**(f) Objections.**

(1) A written objection to the allowance of fees must be filed with the court within the time set forth in the notice.

(2) A copy of the objection is to be transmitted to the United States trustee; and

(3) served on—

[A] the applicant,

[B] trustee,

[C] debtor, and

[D] any committee appointed under the Code.

(g) **Time of Payment.** Unless otherwise ordered by the court, all administrative expenses allowed by the court will be paid by the trustee with the final distribution, or upon confirmation of a plan in a case under chapters 9, 11 or 12.

(h) **Applications in Chapter 12 and 13 Cases.**

(1) [A] Except as provided in paragraph (h)(2), attorney's fees must be applied for before allowance.

[B] The trustee may, without any personal liability to debtor or debtor's attorney, pay creditors and trustee's fees in advance of paying the administrative expense for debtor's attorney's compensation claim, if the debtor's attorney claiming compensation has not filed an application for compensation.

[C] When the trustee is served with notice of debtor's attorney's compensation application, the trustee must defer paying a lower priority creditor under § 1226(b)(1) or § 1326(b)(1) of the Code until the court has ruled on the fee application.

[D] Attorney's fees for a chapter 12 or 13 debtor will not be allowed in excess of the amount designated in the chapter 12 or 13 plan absent a showing of extreme or unusual circumstances by the applicant.

(2) In a case under chapter 13, no application for allowance of attorney's fees need be filed and allowance of fees and expenses is deemed approved on confirmation of the plan, provided:

[A] if requested by the trustee, United States trustee, or ordered by the court, counsel has filed an itemized statement of fees and costs conforming to subparagraphs (c)(3)[B], [C], [D], and [E], with a copy –

(i) served on the chapter 13 trustee, and

(ii) transmitted to the United States trustee;

[B] the fees and costs sought do not exceed the sum set forth in paragraph 2(c) of AK LBF 5 and the plan analysis attached to AK LBF 5; and

[C] in consumer (non-business) cases, the total fees to be paid, including the application of any prepetition retainer paid, does not exceed \$2,500.00 and costs, exclusive of any filing fees paid to the clerk of the court, do not exceed \$250.00; or

[D] in business (non-consumer) cases, the total fees to be paid, including the application of any prepetition retainer paid, does not exceed \$3,500.00 and costs, exclusive of any filing fees paid to the clerk of the court, do not exceed \$350.00.

[E] (i) The provisions of this paragraph notwithstanding, if the proposed chapter 13 plan does not provide for payment of allowed claims in full, any party in interest, including the United States trustee, may, at any time prior to confirmation of the plan, object to allowance of fees under this paragraph by filing a written objection, serving a copy thereof on the debtor, counsel for the debtor and the trustee, with transmittal to the United States trustee.

(ii) In the event an objection is filed and served, an application for allowance of fees must be filed, noticed and approved before any payment thereof is made.

(i) **Applications in Chapter 7 Cases.**

(1) Final applications for professional fees in chapter 7 cases must be filed and transmitted to the United States trustee not later than seven (7) days after the Trustee's Final Report Before Distribution is transmitted to the United States trustee.

(2) The provisions of paragraph (c)(3) notwithstanding, the final application may include an estimate for services to be rendered by the professional in connection with closing out the estate; provided, however, that:

[A] the applicant must file with the court, serve on the trustee, and transmit to the United States trustee, a statement of the actual fees incurred; and

[B] no allowance for fees for professional services rendered after the date the final application is filed in excess of \$500.00 will be allowed without substantiation as provided in paragraph (c)(3).

(3) Notwithstanding any other provision in these rules, in the event of an objection to the Trustee's Final Report Before Distribution, other than an objection to the fee application, the court may allow payment of fees in an amount greater than the amount set forth in the Trustee's Final Report Before Distribution.

**Related Provisions:**

11 U.S.C. § 326	Limitation on Compensation of Trustee
11 U.S.C. § 327	Employment of Professional Persons
11 U.S.C. § 328	Limitation on Compensation of Professional Persons
11 U.S.C. § 329	Debtor's Transactions with Attorneys
11 U.S.C. § 330	Compensation of Officers
11 U.S.C. § 331	Interim Compensation
FRBP 1006(b)(3)	Filing Fee — Postponement of Attorney's Fees
FRBP 2002(a)	Twenty-Day Notices to Parties in Interest
FRBP 2013	Public Record of Compensation of Trustees, Examiners, and Professionals
FRBP 2014	Employment of Professional Persons
FRBP 2016	Compensation for Services Rendered and Reimbursement of Expenses
FRBP 2017	Examination of Debtor's Transactions with Debtor's Attorney
FRBP 9034	Transmittal of Pleadings, Motion Papers, Objections, and Other Papers to the United States Trustee
AK LBR 2002-1	Notices
AK LBR 2016-2	Compensation of Debtor, Officers, Directors, Shareholders, Partners, Managers and Members
AK LBR 2016-3	General Administrative Expenses
AK LBF 7	Bankruptcy Court Calendar Request
AK LBF 15	Notice of Time for Filing Objection to Application for Fees
AK LBF 16	Notice of Application to Employ Creditor Attorney/Accountant by Debtor in Possession

**Rule 2016-2 Compensation of Debtor, Officers, Directors, Shareholders, Partners**

(a) **General.** Unless otherwise ordered by the court, except in accordance with the provisions of this rule, if the trustee or debtor-in-possession is operating a business, no compensation may be paid by the debtor or by any entity owned or controlled by the debtor, to any of the following from the date of the order of relief until the confirmation of the plan:

- (1) the debtor, if the debtor is an individual;
- (2) a partner, if the debtor is a partnership;
- (3) an officer, stockholder, or director, if the debtor is a corporation;
- (4) a manager or member, if the debtor is a limited liability company; or
- (5) an individual who is—
  - [A] an insider of an individual debtor,
  - [B] an insider of a partner of a partnership debtor, or
  - [C] an insider of an officer, stockholder, or director of a corporate debtor.

(b) **Notice of Intent to Pay Compensation.** The trustee or debtor-in-possession must give notice conforming to AK LBF 26 to:

- (1) United States trustee;

(2) any committee appointed under the Code, or if no committee appointed, the five largest unsecured creditors;

(3) all secured creditors with claims in excess of \$50,000.00; and

(4) parties requesting notice.

**(c) Commencement of Compensation.**

(1) Compensation may commence no sooner than five (5) days after notice is given.

(2) If an objection is filed, the trustee or debtor-in-possession may continue compensation at the average monthly salary for the year preceding bankruptcy pending a hearing.

(3) The court will ordinarily schedule a hearing within ten (10) days of a request.

(4) Objections to compensation may be filed at any time.

**(d) Limitation on Compensation.** The trustee or debtor-in-possession may not pay compensation in excess of that contained in the notice, unless an amended notice is filed and served in accordance with this rule.

**Related Provisions:**

11 U.S.C. § 330            Compensation of Officers

AK LBR 2002-1           Notices

AK LBR 9075-1           Hearings; Trials

AK LBF 7                Bankruptcy Court Calendar Request

AK LBF 26              Notice of Intent to Take Compensation Pursuant to AK LBR 2016-2

**Rule 2016-3 General Administrative Expenses**

**(a) General**

(1) Any entity having unpaid administrative expenses under § 503 of the Code, other than as provided in AK LBR 2016-1 or AK LBR 2016-2, may file an application for the payment of unpaid expenses.

(2) Applications for reimbursement of administrative expenses must:

[A] itemize the amounts sought and describe the goods, services, or benefits provided the estate; and

[B] should have copies of all invoices or statements attached to the application.

**(b) Chapter 7 Cases.** In a case under chapter 7 of the Code, applications for payment of administrative expenses may be filed at any time before completion of administration of the estate, but in any event not later than the last day set for filing objections to the Trustee's Final Report Before Distribution

**(c) Chapter 9 and 11 Cases.** Unless otherwise provided in the Plan of Reorganization confirmed by the court or the order of confirmation, in a case under chapter 9 or 11 of the Code:

(1) all applications for unpaid administrative expenses must be filed and served not later than sixty (60) days after the effective date of the plan; and

(2) not less than thirty (30) days before the deadline for filing applications for payment of administrative expenses, the debtor in possession (or trustee, if one is appointed) must give notice to all known administrative expense claimants of the deadline for filing and application for payment in form substantially conforming to AK LBF 33.

**(d) Chapter 12 and 13 Cases.** In a case under chapter 12 or 13 of the Code, applications for administrative expenses may be filed and served at any time before completion of the plan, provided that the request is filed and served within a reasonable time after the costs were incurred, goods provided or services performed.

**(e) Service.** All applications for payment of administrative expenses must be:

(1) served on—

- [A] the trustee, if one has been appointed,
- [B] the debtor or debtor in possession, and
- [C] any committee appointed under the Code; and

(2) transmitted to the United States trustee.

**(f) Notice.**

(1) Applications for payment must be noticed by the applicant in accordance with AK LBR 2002-1(a).

(2) Applicants must keep themselves informed of the progress of administration of the estate so that:

- [A] notice may be included in the notice of the final accounting; or
- [B] notice can be sent within the time allowed after confirmation of a plan in a case under chapter 9 or 11.

**Related Provisions:**

11 U.S.C. § 503	Allowance of Administrative Expenses
FRBP 2002(a)	Twenty-Day Notices to Parties in Interest
AK LBR 2002-1	Notices
AK LBR 2016-1	Compensation of Trustees and Professional Fees
AK LBR 2016-2	Compensation of Debtor, Officers, Directors, Shareholders, Partners, Managers and Members
AK LBR 9075-1	Hearings; Trials
AK LBF 7	Bankruptcy Court Calendar Request
AK LBF 33	Notice of Deadline to File Administrative Expenses

**Rule 2071-1 Creditors' Committees In Small Business Cases**

**(a) Appointment in Small Business Cases.**

(1) Unless otherwise ordered by the court, the United States trustee will not appoint a committee under §1102 of the Code in any case in which the debtor has designated the case as a small business case in the petition.

(2) In the event the court sustains an objection to the debtor's designation as a small business case, the United States trustee will appoint a committee of not less than three (3) members or file a notice of non-appointment as soon as practicable.

**(b) Request to be Added to Committee.**

(1) A request by a party in interest to be added to a committee under §1102(a)(4) of the Code must be in the form of a motion, which motion must:

- [A] briefly state the reason the moving party believes that the party's interests are not adequately represented by the committee as currently composed;
- [B] be transmitted to the United States trustee; and
- [C] be served on the committee.

(2) A motion filed under this subsection will be treated as a motion under Rule 9013, Federal Rules of Bankruptcy Procedure.

**Related Provisions:**

11 U.S.C. § 101(51C)	"small business case"
11 U.S.C. § 101(51D)	"small business debtor"
11 U.S.C. § 1102	Creditors' and equity security holders' committees
28 U.S.C. § 586	Duties; supervision by Attorney General
FRBP 1020	Small Business Chapter 11 Reorganization Cases

FRBP 2003	Meeting of Creditors or Equity Security Holders
FRBP 5005	Filing and Transmittal of Papers
FRBP 9006	Time — Computation
FRBP 9013	Motions
AK LBR 1020-1	Chapter 11 Small Business Cases
AK LBF 7	Bankruptcy Court Calendar Request

## **Rule 2081-1 Status Conferences in Chapter 11 Cases**

### **(a) Scheduling.**

(1) [A] The court may, upon its own motion or upon request by a party in interest, set a case for a status and scheduling conference.

[B] Unless set by the court on its own motion or requested by the debtor, the status conference will ordinarily not be scheduled less than forty-five (45) days after the order for relief is entered.

(2) Any party in interest or the United States trustee may request the court set a status and scheduling conference by submitting a Bankruptcy Court Calendar Request form (AK LBF 7).

### **(b) Notice.**

(1) Notice of the status and scheduling conference hearing must be given to all parties in interest not less than fifteen (15) days prior to the conference date.

(2) Unless otherwise ordered by the court:

[A] if the status and scheduling conference is made at the request of a party in interest, the party requesting the status and scheduling conference must provide the required notice; and

[B] status and scheduling conferences set by the court on its own motion will be noticed by the debtor in possession (or trustee, if one has been appointed).

### **(c) Conference Statement**

(1) Not less than five (5) business days before the date set for the status and scheduling conference, the debtor in possession (or trustee, if one is appointed) must file with the court a statement of the status of the case, including:

[A] any pending proceedings and the impact, if any, on the formulation of the plan;

[B] any proceedings contemplated to be initiated by the debtor in possession, including any actions to avoid preferential or fraudulent transfers, recover property of the estate, or any other proceeding materially affecting the reorganization or rehabilitation of the debtor, providing—

(i) brief description of the proceedings,

(ii) date by which the debtor intends to initiate the action,

(iii) date by which it is anticipated the proceedings will be concluded, excluding any appeal time,

(iv) the impact of the proceedings on the formulation of a plan;

[C] any unusual or extraordinary administration problems known to or anticipated by the debtor in possession;

[D] the date by which the debtor in possession anticipates filing a plan and its accompanying disclosure statement;

[E] recommendation by the debtor in possession concerning scheduling and whether combining the hearing on approval of the disclosure statement with the plan confirmation hearing is appropriate; and

[F] such other information as the debtor in possession may deem appropriate and necessary to setting a schedule for matters to be brought before the court.

(2) The status report must be transmitted to the United States trustee and served on any committee appointed under the Code.

(3) Not less than three (3) business days before the date scheduled for the status and scheduling conference, any party in interest, including the United States trustee, may file with the court and serve on the debtor in possession (or trustee, if one has been appointed) and transmit to the United States trustee, a written statement covering those matters provided for in paragraph (c)(1).

(d) **Conference.** At the status and scheduling conference, the court may:

(1) set the date by which the debtor (or trustee, if one has been appointed) must accept or reject an executory contract or unexpired lease;

(2) set the date by which the debtor (or trustee, if one has been appointed) must file a plan and disclosure statement;

(3) set the date by which a party in interest, other than the debtor, may file a plan and disclosure statement;

(4) set the date by which the debtor (or trustee, if one has been appointed) will solicit acceptances of the plan;

(5) fix the notice to be provided regarding the hearing on approval of the disclosure statement;

(6) provide that the hearing on approval of the disclosure statement may be combined with the hearing on confirmation of the plan;

(7) direct that a particular format of plan or disclosure statement must be used or provide for any deviation from the requirements of the rules;

(8) set the claims bar date;

(9) set the date by which the debtor (or trustee, if one has been appointed) and/or any interested party must file objections to claims filed;

(10) set the date by which the debtor (or trustee, if one has been appointed) must file any actions to avoid transfers or recover property of the estate; or

(11) enter any other order relating to the efficient, economical and expeditious administration of the bankruptcy estate as the court may deem necessary or appropriate in the case.

**Related Provisions:**

11 U.S.C. § 105	Power of Court
FRBP 9006(a)	Time — Computation
AK LBF 7	Bankruptcy Court Calendar Request

**Rule 2081-2 Chapter 11 Small Business Cases** [*Abrogated.* See AK LBR 1020-1.]

**Rule 2082-1 Chapter 12 Cases**

**(a) Plan.**

(1) Unless otherwise ordered by the court, a chapter 12 plan should substantially conform to AK LBF 5 and include the plan and liquidation analyses attached to AK LBF 5.

(2) [A] The Alaska Permanent Fund Dividend is to be included in paragraph 1(b) of AK LBF 5 and may not be included in the regular periodic payments provided in paragraph 1(a).

[B] Paragraph (2)(e) of AK LBF 5 may be modified to provide separate classes of unsecured claims to the extent provided by §1222(b)(1) of the Bankruptcy Code.

[C] The following matters may not be accomplished simply by inclusion in a chapter 12 plan:

(i) lien avoidance;

(ii) objections to claims;

(iii) determination of the dischargeability of debts; and

(iv) valuation of collateral.



(3) The plan must be signed by the debtor and, if represented by counsel, debtor's attorney, which signatures constitute certification that the plan complies with the provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and this rule.

**(b) Reporting Income/Expenses.**

(1) Schedules of income and expenses, and required periodic financial reports, if any, must clearly delineate the source and amount of gross receipts and projected expenditures.

(2) Expenses incident to the production of any non-wage income must be accurately set forth.

**(c) Motions to Value Collateral.** Motions to value collateral under Rule 3012, Federal Rules of Bankruptcy Procedure, must be filed not later than the later of:

(1) 20 days after the conclusion of the meeting of creditors held under § 341 of the Code; or

(2) 60 days after the petition is filed.

**(d) Scheduling Hearings.** The debtor should, to the extent practicable, move, notice and submit a calendar request for all hearings on objections to claims under Rule 3007, Federal Rules of Bankruptcy Procedure, valuations of collateral under Rule 3012, Federal Rules of Bankruptcy Procedure, and any other miscellaneous motions in conjunction with a chapter 12 case, so that the hearings on all motions are set for the same time, date and place.

**Related Provisions.**

11 U.S.C. § 341	Meetings of creditors and equity security holders
11 U.S.C. § 506	Determination of secured status
11 U.S.C. § 1221	Filing of plan
11 U.S.C. § 1222	Contents of plan
11 U.S.C. § 1224	Confirmation hearing
11 U.S.C. § 1225	Confirmation of plan

**Rule 2083-1 Scheduling Hearings in Chapter 13 Cases**

**(a) Scheduling Hearings.** The parties should, to the extent practicable, move, notice and submit a calendar request for all hearings on objections to claims under Rule 3007, Federal Rules of Bankruptcy Procedure, and any other miscellaneous motions in conjunction with a chapter 13 case, so that the hearings on all motions are set for the same time, date and place.

**(b) Motions to Value Collateral.** Unless otherwise ordered by the court:

(1) a motion to value collateral under Rule 3012, Federal Rules Of Bankruptcy Procedure must be served and filed not later than the time the Plan and Notice of Confirmation Hearing Date is served; and

(2) the hearing thereon will be held at the same time as the hearing on confirmation of the plan.

**(c) Payments to Secured Creditors.** Unless otherwise ordered by the court, all payments required to be made under 11 U.S.C. § 1326(a)(1)(C) on debts paid through the plan must be made to the trustee concurrently with the payment required by 11 U.S.C. § 1326(a)(1)(A).

**(d) Reporting Requirements for Payments Made Directly to Creditors.**

(1) As a separate attachment to the plan, the debtor must provide a written schedule of all existing payment obligations as defined in § 1326(a)(1) (B) or (C) of the Code and all domestic support payments coming due after the date the petition was filed.

(2) On or before the third business day of each month, the debtor must provide the trustee with a certification of payments made directly by the debtor(s) during the preceding month:

[A] in the form substantially similar to LBF 5B; and

[B] having attached a copy of the receipt received from the creditor or, if no receipt was received, a photocopy of the check or other instrument used to make the payment.

**Related Provisions:**

11 U.S.C. § 521	Debtor's duties
11 U.S.C. § 341	Meeting of Creditors
11 U.S.C. § 343	Examination of Debtor
11 U.S.C. § 1307	Conversion or dismissal
11 U.S.C. § 1326	Payments
FRBP 2015(c)	Chapter 13 Trustee and Debtor
FRBP 3007	Objections to Claims
FRBP 3102	Valuation of Security
AK LBR 2003-1	Meeting of Creditors
AK LBR 2015-2	Monthly Financial Reporting Requirements
AK LBR 3012-1	Valuation of Collateral
AK LBR 3015-1	Chapter 13 Plans
AK LBR 3015-3	Confirmation of Chapter 13 Plans
AK LBR 3070-1	Payments by Chapter 13 Trustee
AK LBF 5B	Certification of Payments Made Directly to Creditors/Lessors

**Rule 2090-1 Admission and Practice of Attorneys**

(a) **Admission to Practice.** Any attorney who is admitted to practice law in the United States District Court for the District of Alaska is admitted to practice in this court.

(b) **Practice by Attorneys Not Admitted in District Court.**

(1) [A] Any attorney who is a member in good standing of the bar of any United States court or the highest court of any state or territory of the United States, may be permitted upon *ex parte* application to appear in a particular case.

(i) An original certificate of good standing or a certified copy from the state court or bar governing or regulating admission in the territory where the applicant has been admitted to practice must be filed with the application.

(ii) The court may waive the requirement of application by an attorney not admitted in the United States District Court for the District of Alaska in the interest of expediency and reduction of costs where the participation is limited and the matter is likely to be resolved without extensive hearings.

[B] The court may require designation of local counsel to participate, sign pleadings, and receive service of notice should there be any problem with the cooperation, responsiveness, or accessibility of an attorney not admitted to practice in the United States District Court for the District of Alaska.

(2) Any attorney representing the United States (or any of its agencies) may appear and participate in particular cases without submitting an application as set forth above. If the government has both local and non-local attorneys appearing in a matter, service must be made on both the local and non-local offices unless the court orders otherwise.

(c) **Local District Rules Adopted.** District of Alaska Local Rules 83.1(g) – (i) and 83.2 apply to all attorneys practicing before the bankruptcy court.

**Related Provisions:**

D.AK LR 83.1	Attorneys
D.AK LR 83.2	Student Practice Rule
AK LBR 9010-1	Appearances

## **PART III — CLAIMS AND DISTRIBUTIONS TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS**

### **Rule 3002-1 Claims**

(a) **Place of Conventional Filing.** Proofs of claim or interest filed conventionally must be filed with the Clerk of the Bankruptcy Court, Room 138, 605 West Fourth Avenue, Anchorage, Alaska 99501-2296 or at the Office of the Deputy Clerk of the United States District Court, 101 12th Avenue, Room 370, Box 1, Fairbanks, Alaska 99701.

(b) **Copies to be Filed.** *[Abrogated]*

(c) **Conformed Copies of Filed Claims.** *[Abrogated. See Official Form 10]*

(d) **Claims Arising from Rejection of Executory Contracts.**

(1) Claims arising from the rejection of executory contracts must be filed on or before the last date for filing proof of claims or thirty (30) days after entry of the order authorizing rejection, whichever date is later.

(2) Notice of the 30-day bar date must be provided by the debtor or the trustee, as appropriate, within five (5) days of the order rejecting the executory contract.

(e) **Claims in Chapter 7 Cases That Supersede Chapter 11 and Chapter 13 Cases.**

*[Abrogated. See Rule 1019, Federal Rules of Bankruptcy Procedure.]*

(f) **Service of Proofs of Claim on Debtors/Trustees.**

(1) In all cases, a creditor filing a proof of claim must serve a legible, complete paper copy of the claim, including a copy of all supporting documentation, by first class mail on the debtor's attorney, or the debtor if appearing without counsel, and the trustee, if appointed.

(2) If the claim is a claim for wages, salary or other compensation, the creditor must include the creditor's full social security number on the copy served on the trustee, if one has been appointed.

(3) Notwithstanding the provisions of AK LBR 5005-4(e)(2), if a proof of claim is filed electronically, the creditor filing the claim must serve a paper copy of its claim, by first class mail, on the persons listed in paragraph (f)(1).

(g) **Section 506(b) Claims in Chapter 13 Cases.**

(1) A secured creditor having a claim for post-petition fees, costs or charges under § 506(b) of the Code, which claim is to be paid by the trustee under the terms of the plan, must, not later than thirty (30) days after entry of the order confirming the plan:

[A] file with the court an application for allowance of the claim, setting forth the amount of the post-petition fees, costs and charges claimed to be due; and

[B] transmit the application to the United States trustee; and

[C] serve it on—

(i) the debtor,

(ii) trustee,

(iii) the five (5) largest unsecured creditors, and

(iv) any creditor having or claiming to have an interest in the property securing the claim.

(2) A party objecting to the application for allowance of post-petition fees, costs and charges may serve and file an objection within fifteen (15) days after service of the application.

(3) If no objection is filed as specified in paragraph (g) (2), the application for allowance of post-petition fees, costs or charges will be deemed approved or allowed without further order of the court.

### **Related Provisions:**

11 U.S.C. § 501            Filing Proofs of Claim

11 U.S.C. § 502            Allowance of Claims

11 U.S.C. § 506	Determination of Secured Status
11 U.S.C. § 507	Priorities
11 U.S.C. § 509	Claims of Co-debtors
FRBP 1019(2), (3)	Conversion, New Filing Periods, Claims Filed in Superseded Cases
FRBP 3001	Proof of Claim, General Requirements
FRBP 3002	Filing Proof of Claim or Interest
FRBP 3003	Filing Proof of Claim or Equity Security Interest in Chapter 9 Municipality or Chapter 11 Reorganization Cases
FRBP 3004	Filing of Claims by Debtor or Trustee
FRBP 3005	Filing of Claim by Co-debtor
FRBP 3006	Withdrawal of Claims
FRBP 3007	Objections to Claims
FRBP 3008	Reconsideration of Claims
FRBP 5005	Filing and Transmittal of Papers
AK LBR 1009-1	Amendment of Schedules and Matrix
AK LBR 3003-1	Filing Proofs of Claim in Chapter 9 and 11 Cases
AK LBR 3004-1	Filing Proofs of Claim by Debtor or Trustee
AK LBR 5001-2	Clerk's Office Location and Hours
AK LBR 5005-4	Electronic Filing
Official Bankruptcy Form 10 — Proof of Claim General Form	
AK LBF 13	Notice of Objection to Claim and Notice of Hearing Thereon

#### **Rule 3003-1 Proof of Claim in Chapter 9 and 11 Cases**

**(a) Notice to Unscheduled Claimants or Claimants Scheduled as Disputed, Contingent, or Unliquidated.** The debtor in possession, or trustee, if one has been appointed, must give notice of the claims bar date substantially conforming to AK LBF 21 to any creditor or equity security holder whose claim or interest is not scheduled or whose claim or interest is scheduled as disputed, contingent, or unliquidated, not less than sixty (60) days before the claims bar date.

(1) An official proof of claim form must be attached to the notice of claims bar date, or a copy of the official form be provided on the reverse side of the notice.

(2) After notice is given, the debtor in possession or the trustee must file a proof of service with the court.

#### **(b) Claims in Chapter 9 and Chapter 11 Cases after Schedules have been Amended.**

(1) A debtor who amends the schedules filed in a case to show a claim or interest as disputed, contingent, unliquidated, or reduced in amount must provide additional notice to the holder of the claim.

(2) The notice must be a separate document and inform the holder:

[A] of the need to file a proof of claim or interest if that party disagrees with the treatment of the claim in the amended schedule; and

[B] that if a proof of claim is not filed by the time set forth in the additional notice, the holder may lose the right to participate in the case and to participate in any distribution.

(3) A creditor or equity security holder affected by an amendment to the schedules may file a proof of claim or interest within forty-five (45) days from the date notice of the amendment to the schedules is served on that party or the claims bar date specified in paragraph (a)(1), whichever is later.

(4) If necessary, any confirmation hearing will be continued for the purpose of allowing balloting by the creditors and equity security holders affected by the amendment.

**(c) Section 506(b) Claims in Chapter 9 and 11 Cases.**

(1) An agreement between the debtor and a secured creditor having a claim under § 506(b) of the Code for the allowance of post-petition interest, fees, costs and expenses must be evidenced by a stipulation filed with the court setting forth the agreed amount to be allowed as post-petition interest, fees, costs and expenses.

(2) [A] In the absence of an agreement between the debtor and the secured creditor, a secured creditor having a claim under § 506(b) of the Code must file an application for allowance of the claim post-petition interest, fees, costs and expenses.

[B] Unless otherwise ordered by the court, the application must be filed not later than sixty (60) days after notice of entry of the order confirming the plan of reorganization.

(3) The stipulation or application for allowance of post-petition interest, fees, costs and expenses must be:

[A] transmitted to the United States trustee; and

[B] served on—

(i) the debtor or trustee, if one has been appointed,

(ii) any committee appointed in the case, and

(iii) any creditor having or claiming to have an interest in the property securing the claim.

(4) A party objecting to the stipulation or application for allowance of post-petition interest, fees, costs and expenses may serve and file a written objection thereto within fifteen (15) days after service of the stipulation or application for allowance.

(5) If no objection is filed as specified in paragraph (c)(4), the stipulation or application for allowance of post-petition fees, costs or charges will be deemed approved or allowed without further order of the court.

**Related Provisions:**

11 U.S.C. § 501 Filing Proofs of Claim

11 U.S.C. § 502 Allowance of Claims

11 U.S.C. § 506 Determination of Secured Status

11 U.S.C. § 507 Priorities

FRBP 3001 Proof of Claim, General Requirements

FRBP 3002 Filing Proof of Claim or Interest

FRBP 3003 Filing Proof of Claim or Equity Security Interest in Chapter 9 Municipality or Chapter 11 Reorganization Cases

FRBP 3012 Valuation of Security

FRBP 9006(f) Additional Time After Service by Mail

AK LBR 1009-1 Amendment of Schedules and Matrix

AK LBR 3002-1 Claims

AK LBR 9013-1 Briefs; Memoranda

AK LBR 9075-1 Hearings; Trials

AK LBF 21 Notice of Claims Bar Date [Unliquidated, Contingent and Disputed Claims]

**Rule 3004-1 Claim by Debtor or Trustee**

(1) A proof of claim or interest filed by a debtor under § 501 of the Code must be served on the trustee and the creditor on whose behalf the proof of claim was filed.

(2) A proof of claim or interest filed by a trustee under § 501 of the Code must be served on the debtor and the creditor on whose behalf the proof of claim was filed.

**Related Provisions:**

11 U.S.C. § 501	Filing Proofs of Claim
11 U.S.C. § 502	Allowance of Claims
FRBP 3004	Filing of Claims by Debtor or Trustee
AK LBR 3002-1	Claims

**Rule 3012-1 Valuation of Collateral**

(a) **How Raised.** The value of collateral for a secured claim may be bought before the court for determination by separate motion or as part of an objection to claim filed under Rule 3007, Federal Rules of Civil Procedure.

(b) **Motion/Objection to Proof of Claim.** A motion to value collateral or an objection to a proof of claim that raises the issue of valuation must:

(1) state—

- [A] value of the collateral,
- [B] method of determining the value,
- [C] amount of the claim, if any, that is secured,
- [D] the date by which the opposition must be filed, and
- [E] in case filed under chapter 13, the hearing date on the motion or objection; and

(2) be served on—

- [A] each creditor having or claiming a security interest in the collateral,
- [B] the trustee, and
- [C] if represented by counsel, counsel for each.

(c) **Opposition to Motion or Objection to Proof of Claim.**

(1) A secured creditor who disagrees with the valuation of the collateral securing the creditor's claim may:

[A] File an objection to the valuation, which objection must state the—

- (i) creditor's opinion of the value of the collateral,
- (ii) method of determining the value, and
- (iii) amount of the claim that is secured; and

[B] serve the objection on—

- (i) the debtor,
- (ii) any other creditor having or claiming to have a security interest in the collateral,
- (iii) the trustee, and
- (iv) if represented by counsel, counsel for each.

(2) The objection to the motion must be filed and served not later than twenty (20) days after the motion is served.

(3) Upon receipt of the objection, if requested by the creditor, the debtor must make the collateral available for examination and appraisal.

(4) Not later than five (5) days after an objection to valuation has been served, the debtor must:

[A] File a reply either—

- (i) accepting the creditor's valuation, or
- (ii) controverting the creditor's objection; and

[B] serve the reply on—

- (i) the objecting creditor,
- (ii) any other creditor having or claiming to have a security interest in the collateral,
- (iii) the trustee, and
- (iv) if represented by counsel, counsel for each.

(5) Failure of the debtor to file a timely controverting reply under paragraph (4) will be deemed an acceptance of the creditor's valuation.

(d) **Hearing.** Except as otherwise provided by these rules, any party desiring a hearing on the motion and any opposition thereto must request a hearing by submitting a Calendar Request.

(e) **Mandatory Discovery Exchange.**

(1) Unless otherwise ordered by the court or as provided by rule, in any case in which the valuation of collateral is placed at issue the parties must exchange all valuation data and appraisals not later than:

[A] In cases under chapter 13 of the Code, seven (7) days before the hearing; and

[B] in all other cases, ten (10) days before the hearing.

(2) Any party refusing or failing to comply with paragraph (1) may be subjected to such sanctions as the court may deem appropriate under the circumstances, including the assessment of costs and attorney's fees and/or the exclusion of the evidentiary materials not produced.

**Related Provisions:**

11 U.S.C. § 506	Determination of secured status
FRBP 3007	Objections to Claims
FRBP 3012	Valuation of Security
FRBP 9014	Contested Matters
AK LBR 1020-1	Chapter 11 Small Business Cases
AK LBR 2082-1	Chapter 12 Cases
AK LBR 2083-1	Chapter 13 Cases
AK LBR 3015-1	Chapter 13 Plans
AK LBR 3015-3	Confirmation of Chapter 13 Plans
AK LBF 6A	Notice of Hearing on Confirmation of Chapter 13 Plan and Time to File Written Objections
AK LBF 7	Calendar Request

**Rule 3015-1 Chapter 13 Plans**

(a) **Format.** Unless otherwise ordered by the court, a chapter 13 plan must conform to AK LBF 5 and include the plan, disposable income, and liquidation analyses, and schedule of direct payments to creditors attached to AK LBF 5.

(b) **Contents**

(1) The Alaska Permanent Fund Dividend is to be included in paragraph 1(b) of AK LBF 5 and may not be included in the regular periodic payments provided in paragraph 1(a).

(2) Payments to all secured creditors whose claims are not modified and provided for in paragraph 2(e) of AK LBF 5, other than payments to the holders of residential mortgages, must be included in paragraph 2(f) of AK LBF 5.

(3) Paragraph (2)(h) of AK LBF 5 may be modified to provide separate classes of unsecured claims to the extent provided by §1322(b)(1) of the Code.

(4) The following matters may not be accomplished through a chapter 13 plan:

[A] lien avoidance;

[B] objections to claims;

[C] determination of the dischargeability of debts; and

[D] valuation of collateral.

(c) **Dismissal/Conversion.** ~~[Abrogated]~~

(d) **Service of Plan.** ~~[Abrogated]~~

(e) **Payroll Deduction.** Following a default of two (2) monthly payments, all future wage earner debtor chapter 13 plan payments will be by payroll deduction.

(f) **Reporting Income/Expenses.**

(1) Schedules of income and expenses, and required periodic financial reports, if any, must clearly delineate the source and amount of gross receipts and projected expenditures.

(2) Expenses incident to the production of any non-wage income must be accurately set forth.

(g) **Certification.** The plan must be signed by the debtor and debtor's attorney, if represented by counsel, which signatures constitute certification that the plan complies with the provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and this rule.

**Related Provisions:**

11 U.S.C. § 1322	Contents of Plan
11 U.S.C. § 1324	Confirmation Hearing
11 U.S.C. § 1325	Confirmation of Chapter 13 plan
11 U.S.C. § 1326	Payments
FRBP 1007(b)	Lists, Schedules and Statements; Time Limits — Schedules and Statements Required
FRBP 2002	Notices
FRBP 3007	Objections to Claims
FRBP 3015	Filing, Objection to Confirmation, and Modification of a Plan in a Chapter 12 Family Farmer's Debt Adjustment or a Chapter 13 Individual's Debt Adjustment Case
FRBP 7001	Adversary Proceedings
FRBP 9014	Contested Matters
AK LBR 2003-1	Meeting of Creditors
AK LBR 2083-1	Chapter 13 Cases
AK LBR 3015-2	Confirmation of Chapter 13 Plans
AK LBR 3015-3	Objections to Valuation
AK LBR 5005-2	Number of Copies
AK LBF 5	Chapter 13 Plan (w/ Plan Analysis)
AK LBF 19	Notice of Time for Filing Objections to Application for Extension of Time to File Chapter 13 (11) Plan

**Rule 3015-2 Amendment of Chapter 13 Plans**

(1) The proposed plan may be amended:

[A] as a matter of course without leave of court at any time prior to the first date set for the confirmation hearing; or

[B] with leave of court, at or after the first confirmation hearing if the plan is not confirmed.

(2) Any amendment prior to confirmation must be in the form of an amended plan.

(3) [A] Where the amendment does not adversely affect any other party in interest, the court may confirm the plan as amended without further notice or a hearing to those unaffected parties.

[B] Where the amendment would adversely affect another party in interest, the plan as amended must be mailed to each adversely affected party with a notice providing twenty-five (25) days to object to the amendment.

**Related Provisions:**

11 U.S.C. § 1323	Modification of plan before confirmation
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11 U.S.C. § 1329	Modification of plan after confirmation
FRBP 2002	Notices to Creditors, Equity Security Holders, United States, and United States Trustees
AK LBR 3015-1	Chapter 13 Plans
AK LBR 3015-3	Confirmation of Chapter 13 Plans
AK LBF 6B	Notice of Date to File Objections to Amended Plan

### **Rule 3015-3 Confirmation of Chapter 13 Plans**

(a) **Applicability of Rule.** Unless otherwise ordered by the court, in all chapter 13 cases the plan confirmation process will conform to this rule.

(b) **Service of the Plan and Notice.**

(1) The debtor must mail the chapter 13 plan, plan analysis, Notice of Date to File Objections, and Notice of Confirmation Hearing Date to creditors not later than twenty-five (25) days after:

[A] the date the petition is filed in a case commenced as a case under chapter 13 of the Code; or

[B] the date of the order converting the case in a case converted to chapter 13 from another chapter of the Code.

(2) The trustee may lodge a dismissal order if the plan is not timely noticed to creditors.

(c) **Objections to Confirmation.**

(1) Any objection to the confirmation of the plan must be:

[A] in writing;

[B] filed not later than twenty-one (21) days after—

(i) the first date set for the meeting of creditors under § 341(a) of the Code in a case commenced under chapter 13 of the Code; or

(ii) the first date set for the meeting of creditors under § 341(a) of the Code following conversion in a case converted to a case under chapter 13 from another chapter of the Code;

[C] transmitted to the U.S. trustee; and

[D] served on—

[i] the trustee,

[ii] debtor, and

[iii] debtor's attorney.

(2) [A] An objection to confirmation must set forth with specificity the grounds for objection, identifying those provisions of §§ 1322 or 1325 of the Code with which the plan does not comply.

[B] An objection that does not comply with the requirements of subparagraph (2)[A] may be disregarded by the court.

(3) If a party filing an objection to confirmation does not appear at the confirmation hearing, the court may deem the objection as having been withdrawn.

(d) **Trustee's Recommendation.** The trustee must file a recommendation on plan confirmation:

(1) not later than twenty-eight (28) days after—

[A](i) the first date set for the meeting of creditors under § 341(a) of the Code in a case commenced under chapter 13 of the Code, or

(ii) the first date set for the meeting of creditors under § 341(a) of the Code following conversion in a case converted to a case under chapter 13 from another chapter of the Code;

(2) serve the recommendation on—

[A] the debtor,

[B] debtor's counsel,

[C] the holder of any domestic support obligation, and

[D] any party having filed an objection; and

(3) if the trustee recommends confirmation and no objection has been timely filed, the trustee must lodge a proposed order confirming the plan.

**(e) Response to Objection to Plan or Trustee's Recommendation.**

(1) In the event that an objection to the plan is timely filed under subsection (c) or the trustee files a recommendation that the plan not be confirmed, not later than thirty-five (35) days after the first date set for the meeting of creditors, the debtor must:

[A] (i) file an amended plan, and

(ii) serve the amended plan, together with notice of the time to object, on the trustee and all objecting parties; or

[B] (i) file a response to the objection or trustee's recommendation, and

(ii) serve the response on the trustee and all objecting parties;

[C] not later than thirty-five days after—

(i) the first date set for the meeting of creditors under § 341(a) of the Code in a case commenced under chapter 13 of the Code; or

(ii) the first date set for the meeting of creditors under § 341(a) of the Code following conversion in a case converted to a case under chapter 13 from another chapter of the Code.

(2) The trustee may lodge a dismissal order if the debtor does not timely file an amended plan or response as provided in paragraph (e)(1).

**(f) Domestic Support Obligation Certification.**

(1) In the event that no objection to confirmation is timely served and filed and the trustee recommends that the plan be confirmed, not later than five (5) days after the trustee's recommendation is served and filed, the debtor must:

[A] file a certification under penalty of perjury that—

(i) all domestic support payments coming due since the date the petition was filed have been paid, and

(ii) if any domestic support payment will come due within the next immediately following fifteen (15) days, that debtor expects to have sufficient funds and will make that payment on or before its due date;

[B] transmit the certification to the U.S. trustee; and

[C] serve the certification on—

(i) the trustee, and

(ii) the holder(s) of any domestic support claim(s).

(2) If the debtor fails to serve and file the certification as provided in paragraph (1), the debtor must:

[A] at the confirmation hearing provide evidence that all domestic support payments coming due since the petition was filed have been paid; or

[B] show cause why the case should not be dismissed.

**(g) Confirmation Hearing.**

(1) Unless otherwise ordered by the court, the confirmation hearing will be set automatically by the court without request.

(2) Upon the request of the debtor, U.S. trustee, trustee, or a creditor who has filed an objection to the plan or amended plan, for good cause shown, the court may continue the confirmation hearing for a period of not more than thirty (30) days.

(3) Matters ancillary to confirmation are to be filed, served, scheduled and noticed as provided in AK LBR 2083-1.

(h) **Confirmation Without a Hearing.** The chapter 13 plan or amended plan may be confirmed without a hearing if:

- (1) [A] no objection to the plan or amended plan is timely filed,  
[B] the trustee recommends confirmation, and  
[C] the debtor files the certification provided in paragraph (f)(1);
- (2) [A] any timely filed objection to the plan or amended plan is withdrawn, and  
[B] the trustee recommends confirmation; or
- (3) upon the stipulation of the debtor, trustee and any interested party who has filed an objection to the plan or amended plan.

**Related Provisions:**

11 U.S.C. § 506	Determination of secured status
11 U.S.C. § 1307	Conversion or dismissal
11 U.S.C. § 1321	Filing of plan
11 U.S.C. § 1322	Contents of plan
11 U.S.C. § 1324	Confirmation hearing
11 U.S.C. § 1325	Confirmation of plan
11 U.S.C. § 1330	Revocation of an order of confirmation
FRBP 2002	Notices
FRBP 3002	Filing Proof of Claim or Interest
FRBP 3007	Objections to Claims
FRBP 3012	Valuation of Security
FRBP 3015	Filing, Objection to Confirmation, and Modification of a Plan in a Chapter 12 Family Farmer's Debt Adjustment or a Chapter 13 Individual's Debt Adjustment Case
FRBP 9014	Contested Matters
AK LBR 2083-1	Chapter 13 Cases
AK LBR 3012-1	Valuation of Collateral
AK LBR 3015-1	Chapter 13 Plans
AK LBR 3015-2	Amendment of Chapter 13 Plans
AK LBR 3070-1	Payments by Chapter 13 Trustee
AK LBR 5005-2	Number of Copies
AK LBF 5	Chapter 13 Plan (w/ Plan Analysis)
AK LBF 6A	Notice of Hearing on Confirmation of Chapter 13 Plan and Time to File Written Objections
AK LBF 7	Calendar Request

**Rule 3016-1 Chapter 11 Disclosure Statement**

(a) **Filing.** *[Abrogated]* [Superceded by FED. R. BANK. P. 3016(b)]

(b) **Table of Contents.** Unless otherwise ordered by the court, a disclosure statement must contain a table of contents, with appropriate page numbers, that fully lists the headings and subheadings set forth in subsection (c).

(c) **Content.** Unless otherwise ordered by the court or as provided in AK LBR 3017-2, the disclosure statement must include information covering the following topics, when applicable:

- (1) Short history of the business activities of the debtor covering the five-year period preceding the petition filing date, or such shorter period as the debtor has been operating its business.
- (2) General nature of the business transacted and to be transacted by the debtor.
- (3) A complete description of equity interests, including:

- [A] authorized and outstanding stock;
  - [B] number and classes of shares;
  - [C] par value thereof;
  - [D] description of the voting rights and other properties or attributes of the stock; and
  - [E] any outstanding options.
- (4) Names and addresses of all persons owning more than ten percent (10%) of any equity interest and the percentage so held.
- (5) [A] For corporations, a listing of—
- (i) parent,
  - (ii) subsidiary, and
  - (iii) "brother-sister" corporations.
- [B] For partnerships and limited liability companies, a listing of—
- (i) all corporations, partnerships and limited liability companies in which the partnership or limited liability company holds more than ten percent (10%) of any interest therein, and
  - (ii) all partnerships in which any general partner or manager of a limited liability company or combination of general partners or managers of the debtor hold(s) twenty-five percent (25%), or more, interest as a general partner or manager, or
  - (iii) any other related entity.
- (6) Complete description of the business, including:
- [A] competitive conditions in the industry and debtor's competitive condition;
  - [B] dependence upon one or more customers for more than ten percent (10%) of debtor's annual gross revenue;
  - [C] principal product(s) and/or services;
  - [D] method(s) of marketing of product(s) and/or services;
  - [E] current backlog of business (e.g. current orders for products or services or current uncompleted contracts to provide products or services) and comparable figures for the same time during each of the two (2) years preceding the date the plan is filed;
  - [F] (i) if a manufacturing or fabricating business, source and availability of raw materials, or
  - (ii) if a retail or wholesale business, source and availability of goods or product sold in the ordinary course of business;
  - [G] existence and significance of any patents, trademarks, licenses, franchises and concessions;
  - [H] nature, scope and importance of any research and development activities;
  - [I] number of persons employed by category (e.g., executive officers, supervisory personnel, production personnel, sales personnel);
  - [J] seasonal nature of business;
  - [K] description of any foreign operations; and
  - [L] governmental regulatory agencies having jurisdiction over debtor's operations, including the nature of the regulatory supervision and any problems encountered or anticipated.
- (7) Description of any pending and anticipated legal or administrative proceedings.
- (8) Description of securities to be issued, if any, and consideration to be received in connection with the issuance.
- (9) Information regarding officers and directors of a corporation, general partners of a partnership, or managers of a limited liability company to be continued in office upon confirmation of the plan, including:
- [A] name and position held;
  - [B] familial relationship, if any, to—

- (i) other officers,
- (ii) directors,
- (iii) general partners, or
- (iv) managers;

[C] complete disclosure of all remuneration, including salaries, bonuses, fringe benefits, and stock options; and

[D] whether or not each individual is an "insider."

(10) Financial information that accurately sets forth:

[A] summaries of tax returns for the three (3) tax years preceding the date the plan is filed;

[B] current balance sheet, including all appropriate footnotes and assumptions;

[C] projected balance sheet applicable upon confirmation of the plan, including all appropriate footnotes and assumptions;

[D] income statements accurately reflecting debtor's income and expenses since the fiscal year of the debtor's last tax return until two (2) months prior to the filing of the disclosure statement;

[E] income/expense and cash flow projections of operations over the term of the payment to unsecured creditors or five (5) years, whichever is less, including all assumptions underlying those projections;

[F] a schedule of payments to be made towards obligations undertaken by the debtor as part of the plan;

[G] a description of the debtor's working capital position and any changes thereto expected to occur within the first twelve (12) months of the plan;

[H] brief explanation of the tax consequences, if any, of plan confirmation;

[I] if applicable, income and expense information for each profit center, line of business and class of similar products or services;

[J] attorney and professional fees for debtor and all payments made or expected to be made for services in connection with the case or plan;

[K] if the plan calls for the liquidation of real or personal property in conjunction with the plan, current values of the property to be liquidated;

[L] source of financial information in paragraphs [A]–[K] hereof and the qualifications of the source;

[M] a list, by the classes established in the plan and alphabetically within each class, of all claims and interests for which proofs of claim have been filed or deemed filed in the case that are allowed or deemed allowed, that includes—

(i) the name of the holder of each claim or interest, and

(ii) the claimed or deemed allowed amount of each claim or interest;

[N] a list of all disputed, contingent and unliquidated claims for which the claimants have filed proofs of claim and a discussion of the impact, if any, the allowance of these claims will have on the plan, debtor and other parties in interest; and

[O] a liquidation analysis with a specific description of all assumptions underlying the analysis.

(11) Description of the plan, how it is to be implemented and its effect on all classes of creditors and equity interests.

(12) Description of management to be retained and compensation to be paid, including as a minimum:

[A] for corporations—

(i) the chief executive officer,

(ii) chief operating officer,

- (iii) chief financial officer, and
- (iv) general managers of any facility, division or department;
- [B] for limited partnerships—
  - (i) the general partners, and
  - (ii) any general manager of any facility, division or department;
- [C] for general partnerships—
  - (i) the managing partner or members of any management committee, and
  - (ii) general managers of any facility, division or department;
- [D] for limited liability companies, any manager or member; and
- [E] for individuals the debtor and any person holding a position comparable to the chief executive officer, chief operating officer, chief financial officer or general manager of a corporate entity.

(13) Any dividends, draws or other payments, other than as compensation as set forth in paragraph (c)(12) or reimbursement of expenses incurred in the ordinary course of debtor's business, contemplated to be made to, or for the benefit of, equity security holders, partners, members, or individual debtors.

(14) Transactions with insiders and potential conflicts of interest involving each member of management for which disclosure is made under paragraph (b)(12), and of every shareholder, partner or member holding more than a ten percent (10%) equity or profits interest in debtor, including:

- [A] full particulars of the nature and extent of the interest of those persons in any property acquired other than in the ordinary course of business of the debtor within two years preceding the filing of the petition;
- [B] description of management contracts and any contracts made other than in the ordinary course of business with those persons;
- [C] loans made to or obligations incurred by such persons;
- [D] any guarantees of indebtedness by or for those persons; and
- [E] transactions with those persons that are necessary to, or contemplated by, the plan.

(15) Information concerning changes occurring within the twelve (12) months preceding the disclosure statement affecting revenue and expenses, including:

- [A] product mix;
- [B] added, discontinued or significantly modified operations;
- [C] advertising, research, development, product introduction or deletion, or other discretionary costs;
- [D] acquisition or disposition of any material asset other than in the ordinary course of business;
- [E] material extraordinary charges or gains, including charges associated with any discontinuation of operations; and
- [F] material changes in assumed investment return.

(16) Information concerning changes expected to occur within the first twelve (12) months of the plan affecting revenue and/or expenses, including any closing of a facility, branch or other material interruption, completion of a material contract, or any event that will materially reduce or increase revenues in subsequent periods (as used herein, "materially" means a change of ten (10) or more percentage points).

(17) Other information, including:

- [A] extraordinary risk factors;
- [B] nondischargeable debts (individuals only);
- [C] effect of plan on retiree benefits, if any;

[D] brief explanation of the cause of debtor's financial difficulties and the reason(s) those difficulties are not expected to recur during the life of the plan;

[E] vote required for acceptance of the plan; and

[F] disposition of equity interests in corporate, partnership, or limited liability company debtors.

(d) **Individual Debtor.** In a case in which the debtor is an individual, in addition to information required by subsection (c), the debtor must provide a computation of debtor's disposable income determined as provided in §1325(b)(2) of the Code, itemized to show how the amount is calculated.

(e) **Consultation with United States Trustee.** Unless waived by the United States trustee, not less than seven (7) days before the plan and disclosure statement are filed, counsel for the proponent or the proponent will consult with the United States trustee regarding the proper formulation of a plan and disclosure statement.

#### **Related Provisions:**

11 U.S.C. § 1123	Contents of plan
11 U.S.C. § 1125	Postpetition disclosure and solicitation
11 U.S.C. § 1325	Confirmation of plan
FRBP 2002	Notices
FRBP 3016	Filing of Plan and Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases
FRBP 3017	Court Consideration of Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases
FRBP 3017.1	Court Consideration of Disclosure Statement in a Small Business Case
AK LBR 3016-2	Chapter 11 Plans
AK LBR 3017-1	Hearing on Chapter 11 Disclosure Statement
AK LBR 3017-2	Disclosure Statements in Small Business Cases
AK LBR 5001-2	Clerk's Office Location and Hours
AK LBR 5005-2	Number of Copies
AK LBR 9001-1	Meaning of Words and Phrases

#### **Rule 3016-2 Chapter 11 Plan**

(a) **Table of Contents.** A plan must contain a table of contents that appropriately lists the headings and subheadings of the plan with page numbers.

(b) **Substantial Consummation.** A chapter 11 plan of reorganization must clearly set forth what events or acts the plan proponent considers constitutes substantial consummation of the plan, as defined in § 1101(2) of the Code.

(c) **Liquidating Plans.** If the plan provides for liquidation of property of the estate, it must:

(1) set forth the date certain by which liquidation must occur and provide for an alternative if liquidation does not occur by the date so set; and

(2) if the debtor is an individual, indicate whether the debtor will engage in business after consummation of the plan.

(d) **Notes.** If the plan calls for definite payments to unsecured creditors over time, contain a provision calling for the issuance of promissory notes or individualized statements memorializing the amount of the claims and the payments due over the life of the plan.

**Related Provisions:**

11 U.S.C. § 1101	Definitions for this Chapter [11]
11 U.S.C. § 1121	Who May file a Plan
11 U.S.C. § 1122	Classification of Claims or Interests
11 U.S.C. § 1123	Contents of Plan
11 U.S.C. § 1124	Impairment of Claims or Interests
11 U.S.C. § 1141	Effect of Confirmation
FRBP 3016	Filing of Plan and Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases
FRBP 3021	Distribution Under Plan
FRBP 4004(a)	Time for Filing Complaint Objecting to Discharge; Notice of Time Fixed
AK LBR 3016-1	Chapter 11 Disclosure Statements
AK LBR 3019-1	Modification of Chapter 11 Plan
AK LBR 3020-1	Chapter 11 Confirmation Hearing
AK LBR 5001-2	Clerk's Office Location and Hours
AK LBR 5005-2	Number of Copies

**Rule 3017-1 Hearing on Chapter 11 Disclosure Statement**

(a) **Request for Hearing.** Unless otherwise ordered by the court or as provided in AK LBR 3017-2, the proponent of the proposed plan must:

(1) within five (5) business days after filing the proposed plan and disclosure statement file a calendar request with the court requesting a hearing date on the disclosure statement; and

(2) when a hearing date has been set by the court, forthwith prepare and submit to the court for signature an Order and Notice for Hearing on Disclosure Statement complying with the appropriate Official Form.

(b) **Notice of Hearing.** The proponent of the proposed plan must:

(1) serve a copy of the Order and Notice for Hearing on Disclosure Statement (using the appropriate Official Form) on the master mailing list in the time ordered by the court, but in any event, not less than twenty-five (25) days prior to the last day to object to approval of the disclosure statement; and

(2) file an affidavit of service of the Order and Notice for Hearing on Disclosure Statement.

(c) **Objections to Disclosure Statement.**

(1) Objections to the disclosure statement must be filed and served on (to be received by) the proponent of the disclosure statement and transmitted to the United States trustee not less than five (5) business days prior to the hearing on approval of the statement.

(2) Grounds for objection must be:

[A] addressed to the adequacy of the disclosure statement only; and

[B] stated with specificity.

**Related Provisions:**

11 U.S.C. § 1125	Postpetition Disclosure and Solicitation
FRBP 2002(b)	Twenty-five Day Notices to Parties in Interest
FRBP 3016	Filing of Plan and Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases
FRBP 3017	Court Consideration of Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases
FRBP 3017.1	Court Consideration of Disclosure Statement in a Small Business Case
FRBP 5005	Filing and Transmittal of Papers



FRBP 9006(a)	Time — Computation
FRBP 9013	Motions: Form and Service
AK LBR 1020-1	Chapter 11 Small Business Cases
AK LBR 3016-1	Chapter 11 Disclosure Statements
AK LBR 3017-2	Disclosure Statements in Small Business Cases
AK LBR 3020-1	Chapter 11 Confirmation Hearing
AK LBR 5001-2	Clerk's Office Location and Hours
AK LBR 5005-4	Electronic Filing
AK LBR 9013-1	Briefs; Memoranda
AK LBR 9075-1	Hearings; Trials
AK LBF 7	Bankruptcy Court Calendar Request

### **Rule 3017-2 Disclosure Statements in Small Business Cases**

(a) **Content.** In a case that is a “small business case” as defined in §101(51C) of the Code, the following provisions of AK LBR 3016-1 apply to the disclosure statement or, in a case to which subsection (d) applies, the plan:

(1) paragraphs (1), (2), (3), (6)[C], (6)[E], (6)[I], (6)[J], (7), (9), (10), (11), (12), (13), (14), and (17) of subsection (c);

(2) subsection (d); and

(3) subsection (e).

(b) **Transmittal to U.S. Trustee.** Concurrent with the filing, except as provided in subsection (e), the proponent of a plan must transmit a copy of the proposed disclosure statement and plan to the U.S. trustee.

(c) **Conditional Approval by the Court.**

(1) Within ten (10) business days after the disclosure statement is filed and transmitted, the United States trustee must file with the court and serve on the party filing the disclosure statement a statement signifying that the United States trustee has:

[A] reviewed the disclosure statement; and

[B] finds that the disclosure statement either—

(i) provides adequate information as required by §1125 of the Code, or

(ii) does not contain adequate information as required by §1125, briefly delineating those areas that, in the opinion of the United States trustee, are deficient.

(2) If the United States trustee objects to the adequacy of the disclosure statement or the court finds the disclosure statement inadequate, the court will schedule a hearing on the disclosure statement with counsel for the proponent and the United States trustee to discuss the perceived deficiencies.

(3) If the United States trustee signifies that the disclosure statement provides adequate information, the court may conditionally approve the disclosure statement without further hearing.

(d) **Objections to Conditionally Approved Disclosures Statements.**

(1) Unless otherwise ordered by the court, objections to a conditionally approved disclosure statement must be filed and served on (to be received by) the proponent of the disclosure statement and transmitted to the United States trustee not less than five (5) business days prior to the hearing on the confirmation of the plan.

(2) Grounds for objection must be:

[A] addressed to the adequacy of the disclosure statement only; and

[B] stated with specificity.

(3) If no timely objection is filed to the conditionally approved disclosure statement, the conditional approval is final.

(4) Any objections to the conditionally approved disclosure statement will be heard at the time and date set for the hearing on the confirmation of the plan immediately prior to the confirmation hearing.

(e) **Waiver of Disclosure Statement.** A determination that a plan provides sufficient information and a separate disclosure statement is not required will be made upon written motion under Rule 9013, Federal Rules of Bankruptcy Procedure.

(1) The proponent of the plan must transmit the motion and a copy of the proposed plan to the United States trustee.

(2) Unless otherwise ordered by the court:

[A] subsection (c) applies to motions to waive a separate disclosure statement; and

[B] subsection (d) applies to a plan to which the motion to waive a separate disclosure statement has been granted and the court has conditionally approved the disclosures made as adequate.

**Related Provisions:**

11 U.S.C. § 101(51C) “small business case”

11 U.S.C. § 101(51D) “small business debtor”

11 U.S.C. § 1125 Postpetition Disclosure and Solicitation

FRBP 2002(b) Twenty-five Day Notices to Parties in Interest

FRBP 3016 Filing of Plan and Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases

FRBP 3017 Court Consideration of Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases

FRBP 3017.1 Court Consideration of Disclosure Statement in a Small Business Case

FRBP 5005 Filing and Transmittal of Papers

FRBP 9006(a) Time — Computation

FRBP 9013 Motions: Form and Service

AK LBR 1020-1 Chapter 11 Small Business Cases

AK LBR 3016-1 Chapter 11 Disclosure Statement

AK LBR 3020-1 Chapter 11 Confirmation Hearing

AK LBR 5001-2 Clerk’s Office Location and Hours

AK LBR 5005-4 Electronic Filing

AK LBR 9013-1 Briefs; Memoranda

AK LBR 9075-1 Hearings; Trials

AK LBF 7 Bankruptcy Court Calendar Request

**Rule 3018-1 Report of Balloting**

(1) The chapter 11 plan proponent must certify to the court, the results of the balloting at least two (2) business days prior to the confirmation hearing.

(2) The certification must state, for each class:

[A] whether the class is impaired or unimpaired;

[B] the number of holders of claims voting;

[C] the dollar amount of the claims voted;

[D] number and percentage of holders of claims accepting and rejecting; and

[E] the dollar amount and percentage of the claims accepting and rejecting.

(3) The original ballots must be filed with the certification.

(4) The certification must be transmitted to the United States trustee and served on any committee appointed under the Code.

**Related Provisions:**

FRBP 9006(a)	Time — Computation
AK LBR 3018-2	Acceptance or Rejection and Objections to Confirmation
AK LBR 3020-1	Chapter 11 Confirmation Hearing
AK LBR 5005-4	Electronic Filing

**Rule 3018-2 Acceptance or Rejection and Objections to Chapter 11 Confirmation**

(a) **Ballots.** Unless otherwise ordered, ballots accepting or rejecting the chapter 11 plan must be filed with (received by) the plan proponent, not filed with the court, at least five (5) business days prior to the confirmation hearing.

(b) **Objections.**

(1) Not less than five (5) business days prior to the confirmation hearing, objections to confirmation must be:

[A] filed with the court;

[B] transmitted to (to be received by) the United States trustee; and

[C] served (to be received by) on—

(i) the proponent of the plan,

(ii) debtor, and

(iii) any committee appointed under the Code.

(2) Grounds for objection to the plan must be stated with specificity, and identify those provisions of the Code with which the objecting party contends the plan does not comply.

**Related Provisions:**

11 U.S.C. § 1126	Acceptance of Plan
FRBP 3018	Acceptance or Rejection of Plan in a Chapter 9 Municipality or a Chapter 11 Reorganization Case
FRBP 9006(a)	Time — Computation
AK LBR 3018-1	Report of Balloting
AK LBR 3020-1	Chapter 11 Confirmation Hearing

**Rule 3019-1 Modification of Chapter 11 Plan**

(a) **Amendment/Modification Before Confirmation.**

(1) *Before Approval of Disclosure Statement.* The proponent of an amendment or modification to a proposed plan or disclosure statement before the disclosure statement has been approved must, concurrently with filing the amended or modified plan or disclosure statement:

[A] transmit a copy to the United States trustee; and

[B] serve a copy on—

(i) the debtor,

(ii) the trustee (if one has been appointed),

(iii) any committee appointed in the case, and

(iv) any other interested party previously provided a copy of the proposed plan and disclosure statement being amended or modified, or who has filed an objection to the proposed disclosure statement being amended or modified.

(2) *After Approval of Disclosure Statement.* The proponent of an amendment or modification to a proposed plan or disclosure statement after the disclosure statement has been approved must, concurrently with filing the amended or modified plan or disclosure statement:

[A] transmit a copy to the United States trustee; and

[B] serve a copy on—

- (i) the debtor,
- (ii) the trustee (if one has been appointed),
- (iii) any committee appointed in the case, and
- (iv) any other party in interest whose treatment under the proposed plan has been amended, modified or otherwise affected by the proposed amendment or modification to the proposed plan.

(3) *Redlined Copy.*

[A] The proponent of an amendment or modification to a proposed chapter 11 plan or disclosure statement must, concurrently with filing the amended or modified plan or disclosure statement with the court, provide a redlined, highlighted or marked up paper "chambers" copy of the amendment or modification to the law clerk to the presiding judge.

[B] The redlined copy must indicate all changes, amendments and modifications made to the proposed plan or disclosure statement.

(b) **Modification After Confirmation.**

(1) The proponent of a modification of a confirmed plan must comply with the requirements of AK LBR 3016-1, 3016-2, 3017-1, 3017-2, 3020-1, and paragraph (a)(3) of this rule, except that the notice required by AK LBR 3020-1 will specify that the holder of a claim or interest who has accepted or rejected the plan is deemed to have accepted or rejected, as the case may be, the plan as modified, unless the holder changes the holder's previous acceptance or rejection in writing prior to the date of the confirmation hearing on the modified plan.

(2) Compliance with AK LBR 3016-1, 3017-1, 3017-2, or 3020-1, will not be required if the court finds, after hearing on notice to the debtor, trustee (if one has been appointed), United States trustee, any committee appointed under the Code and any other entity designated by the court, that the proposed modification does not adversely change the treatment of any creditor or the interest of any equity security holder who has not accepted, in writing, the modification, in which case it will be deemed accepted by all creditors and equity security holders who have previously accepted the plan.

**Related Provisions:**

11 U.S.C. § 1126	Acceptance of Plan
11 U.S.C. § 1127	Modification of Plan
FRBP 3018	Acceptance or Rejection of Plan in a Chapter 9 Municipality or a Chapter 11 Reorganization Case
FRBP 3019	Modification of Accepted Plan Before Confirmation
AK LBR 3016-1	Chapter 11 Disclosure Statements
AK LBR 3016-2	Chapter 11 Plans
AK LBR 3017-1	Hearing on Chapter 11 Disclosure Statement
AK LBR 3017-2	Disclosure Statements in Small Business Cases
AK LBR 3020-1	Chapter 11 Confirmation Hearing

**Rule 3020-1 Chapter 11 Confirmation Hearing**

(a) **Hearing Date.**

(1) If no hearing date is set by the court at the hearing approving a disclosure statement, the proponent of the chapter 11 plan must submit a calendar request to obtain a date for the confirmation hearing promptly after entry of the order approving the disclosure statement.

(2) Upon receiving a date for the hearing, the proponent of the plan must prepare and submit to the court for signature an order complying with the appropriate Official Form.

(b) **Service of Notice.** The proponent of the plan must:

- (1) serve a copy of the order on all parties on the master mailing list within the time specified in Rule 2002(b), Federal Rules of Bankruptcy Procedure, together with—
  - [A] the plan or a summary of the plan as approved by the court,
  - [B] the disclosure statement approved by the court, and
  - [C] a ballot conforming to the appropriate Official Form; and
- (2) file a certificate of service of the order and other required documents.

**Related Provisions:**

11 U.S.C. § 1128	Confirmation Hearing
11 U.S.C. § 1129	Confirmation of Plan
FRBP 2002(b)	Twenty-five Day Notices to Parties in Interest
FRBP 3020	Confirmation of Plan
AK LBR 3018-1	Report of Balloting
AK LBR 3018-2	Acceptance or Rejection and Objections to Chapter 11 Confirmation
AK LBF 7	Bankruptcy Court Calendar Request

**Rule 3022-1 Postconfirmation Reports/Closing of the Case**

**(a) Postconfirmation Reports.**

(1) Unless the court orders otherwise, not later than thirty (30) days after the end of the calendar quarter in which the confirmation order is entered and not later than thirty (30) days after the end of each calendar quarter thereafter until entry of the final decree, unless a motion for final decree has been filed as provided in subsection (b), the proponent of the plan must file and transmit to the United States trustee a progress report on the action taken, progress made toward completion of administration of the estate, and disbursements made under the confirmed plan during the reporting period.

(2) Each report will substantially conform to AK LBF 29.

**(b) Motion for Entry of Final Decree.**

(1) Notwithstanding that the plan may not have been substantially consummated, the proponent of the plan will move the court for entry of a final decree when:

[A] the order of confirmation has become final;

[B] all fees required to be paid under 28 U.S.C. § 1930 have been paid; and

[C] all contested matters, adversary actions or other proceedings requiring action by the court are completed.

(2) The motion for entry of the final decree should conform substantially to AK LBF 30.

**(c) Notice.** The moving party must give twenty (20) days notice of the motion for entry of final decree in the form substantially conforming to AK LBF 31 to all persons on the master mailing list maintained by the clerk.

**Related Provisions:**

11 U.S.C. § 350	Closing and Reopening Cases
11 U.S.C. § 1101	Definitions for this chapter [11]
11 U.S.C. § 1142	Implementation of Plan
11 U.S.C. § 1143	Distribution
FRBP 3022	Final Decree in Chapter 11 Reorganization Case
AK LBF 29	Postconfirmation Progress/Final Report
AK LBF 30	Motion for Entry of Final Decree
AK LBF 31	Notice of Motion for Entry of Final Decree

## **Rule 3070-1 Payments by Chapter 13 Trustee**

### **(a) Payments by Trustee.**

(1) Unless otherwise ordered by the court, upon notice and hearing, for good cause shown, or as otherwise provided by rule, the trustee will commence payments under the plan not later than the last business day of the month following the later of the entry of the order confirming the plan or the last day for filing a proof of claim by a governmental unit.

(2) Unless otherwise provided in the plan or the order confirming the plan, the trustee will make distributions under the confirmed plan not later than the last business day of each month.

(3) Prior to confirmation of the plan, the trustee will disburse any payment as defined in 11 U.S.C. § 1326(a)(1)(B) or (C) to the creditor entitled to such payment not later than the last business day of each month.

### **(b) Effect of Payments.**

(1) Notwithstanding any other provision in the contract between the debtor and any creditor, payments by the debtor that are made timely to the trustee as provided in the plan or by otherwise applicable law or rule and timely distributed by the trustee are conclusively presumed to have been made timely for all purposes.

(2) If the debtor timely pays the amount of the allowed claim for any arrearage as provided in Paragraph 2(d) of the plan, while making all required postpetition payments, the mortgage or secured loan agreement will be reinstated according to its original terms, extinguishing any right of the lender to recover any amount alleged to have arisen prior to the filing of the petition.

### **Related Provisions:**

11 U.S.C. § 1326	Payments
AK LBR 2083-1	Chapter 13 Cases

## PART IV – THE DEBTOR: DUTIES AND BENEFITS

### Rule 4001-1 Motions for Relief From Stay

#### (a) Motion.

(1) Motions for relief from stay under §§362(d), 1201(c), or 1301(c) of the Code, must:

- [A] be so titled;
- [B] not be combined with any other motion;
- [C] conform to AK LBF 1, if appropriate; and
- [D] be accompanied by the filing fee.

(2) All applications or requests for relief under any other provision of §362 of the Code, must be in the form of a motion and:

- [A] contain in the title the subsection under which relief is sought;
- [B] not be combined with any other motion; and
- [C] be accompanied by any required filing fee.

#### (b) Notice

(1) For cases involving termination of a stay under § 362(d) of the Code, notice of the motion must:

- [A] state the date on or before which written objection must be filed and served, which date must not be less than fifteen (15) days following the date of service by mail of the notice;
- [B] conform to AK LBF 2, if appropriate; and
- [C] on or before the date the motion is filed, be transmitted to the United States trustee and served on:
  - [i] all entities upon whom the motion was served, and
  - [ii] all persons who have filed an appearance or request for notice.

(2) In cases involving termination of the code debtor stay under §§ 1201 and 1301 of the Code, notice of the motion must:

- [A] state the date on or before which written objection must be filed and served, which date must not be less than fifteen (15) days following the date of service by mail, nor more than twenty (20) days after the motion is filed;
- [B] conform to AK LBF 3, if appropriate; and
- [C] be transmitted to the United States trustee and served on:
  - [i] all entities upon whom the motion was served,
  - [ii] all individuals who are liable on the debt with the debtor, and
  - [iii] all persons who have filed an appearance or request for notice.

(3) If the moving party serves the parties listed in paragraph (1) or (2) instead of serving the master mailing list, the moving party must identify, in any certification of mailing, each party served by name, address and classification in accordance with paragraph (1) or (2), as appropriate.

**(c) Service of the Motion.** In addition to the entities identified in Rule 4001, Federal Rules of Bankruptcy Procedure, a motion brought under §§ 362, 1201, or 1301 of the Code must be:

- (1) transmitted to the United States trustee; and
- (2) served on—

- [A] in a case under chapter 7, 12 or 13, of the Code, both the trustee and the debtor(s),
- [B] if the motion seeks relief from stay as to an act against property, to all entities who hold or claim an interest in the subject property, and
- [C] if known, counsel for each entity served.

**(d) Uncontested Motion.** After expiration of the applicable time, if any, within which to object or otherwise respond, if no objection or other appropriate response has been filed, the moving party may:

- (1) file a certificate of mailing conforming to AK LBF 4; and
  - (2) lodge a proposed order granting the relief requested.
- (e) **Contested Motion Under §§ 362(d), 1201, or 1301.**
- (1) For motions brought under §362(d) of the Code, if an objection is timely filed and served:
    - [A] either party may request a hearing, which request must include the date the motion for relief was filed;
    - [B] the court will schedule a preliminary hearing and advise the requesting party of the hearing date; and
    - [C] the requesting party must give notice of the date and time set for the hearing within 24 hours, both telephonically and in writing to:
      - (i) the adverse party,
      - (ii) trustee,
      - (iii) debtor, and
      - (iv) counsel for each.
  - (2) For motions brought under §362(d) of the Code:
    - [A] (i) if no hearing is held within thirty (30) days after the motion is filed, the automatic stay may be terminated or modified as requested without order of the court, consistent with § 362(e) of the Code; and
    - (ii) although any party may request a hearing on an objection to a motion for relief from stay, the party desiring the stay to remain in effect must request a hearing and be certain that a hearing is timely scheduled.
    - [B] (i) If desired, an order may be lodged *ex parte* thirty (30) days after filing of the motion.
    - (ii) The moving party must file an affidavit of mailing.
  - (3) In cases involving termination of the codebtor stay under §§ 1201 and 1301 of the Code, any party may request a hearing by submitting a calendar request form (AK LBF 7).
- (f) **Preliminary Hearing.**
- (1) Parties may present testimony at the preliminary hearing only on the request of a party and approval by the court.
  - (2) A request to present testimony at the preliminary hearing must be by motion:
    - [A] served and filed not less than three (3) days before the hearing; and
    - [B] set forth—
      - (i) the name and address of the witness,
      - (ii) a concise statement of the testimony to be offered, and
      - (iii) a concise statement of the necessity for the testimony.
- (g) **Objection to Motion.** The objection to the motion brought under §§ 362(d), 1201, or 1301 of the Code must fairly and completely state the grounds for the objection, including:
- (1) if value is placed at issue, the value placed on the property by the objecting party;
  - (2) if the amount claimed due by the moving party is disputed, the amount that the objecting party contends is due the moving party;
  - (3) if the objecting party contends the property is necessary to an effective reorganization, a concise statement of the nature of the necessity and when the expected reorganization will become effective; and
  - (4) if the existence of equity or an equity cushion is placed at issue, an analysis of all liens and encumbrances on the property, including—
    - [A] the nature and amount of each lien, and
    - [B] whether the lien is senior or junior to the lien of the moving party.



**(h) Motions under §362(c).**

(1) A motion to continue the stay under §362(c)(3) or to impose a stay under §362(c)(4) of the Code must:

[A] clearly state—

- (i) the date, case number, and date of dismissal of all previous bankruptcy filings within the year prior to the filing of the current proceeding,
- (ii) the reasons for dismissal of each previous case(s);
- (iii) the date of the filing of the current case;
- (iv) a statement as to why the present case is being filed in good faith, including all facts offered to rebut the presumption that the filing was made in bad faith,
- (v) the identity of all creditors to whom the stay is requested to be continued, and
- (vi) any other facts or circumstances that should be considered by the Court;

[B] be served on

- (i) all parties to be affected by the motion,
- (ii) the trustee, and
- (iii) counsel for the above; and

[C] be transmitted to the United States trustee.

(2) Any objection to the motion must be filed not later than fifteen (15) days after the motion is served.

(3) Although any party may request a hearing on an objection to a motion under §362(c)(3), the party desiring the stay to remain in effect must request a hearing and be certain that a hearing is timely scheduled.

(4) If the motion is timely contested, the debtor must appear at the hearing of the matter and be available to be examined, under oath, by any affected party.

(5) Any objection will be considered a contested matter under Rule 9014, Federal Rules of Bankruptcy Procedure.

**(i) Procedures Under §362(l).**

(1) Unless otherwise ordered by the court, the Clerk of the Court will forward to the lessor the rental deposit made by the debtor as provided in AK LBR 1002-1(d) no later than five (5) days after the deposit is received by the clerk.

(2) If the debtor files the second Certificate, as required in §362(l)(2), the deposit may be considered as part of any paid post-petition rent (not pre-petition rent), for purposes determining whether the monetary default has been cured, or whether the lease is current.

**(j) Mandatory Discovery Exchange.**

(1) Unless the court orders otherwise, not later than five (5) days after service of any objection or response to a motion or application brought under §§362, 1201, or 1301 of the Code, which motion is governed by Rule 9014, Federal Rules of Bankruptcy Procedure, the moving party and each objecting party must, to the extent relevant to the issues fairly raised by the motion and objection or objections thereto, comply with the requirements of Rule 26(a)(1) and (2), Federal Rules of Civil Procedure.

(2) The parties may stipulate, in writing, subject to approval by the court, for different times to comply with this subdivision.

(3) Any party refusing or failing to comply with this subdivision may be subjected to such sanctions as the court may deem appropriate under the circumstances, including the assessment of costs and attorney's fees or the exclusion of the evidentiary materials not produced.

**Related Provisions:**

11 U.S.C. § 361      Adequate Protection

11 U.S.C. § 362	Automatic Stay
11 U.S.C. § 1201	Stay of Action Against Codebtor
11 U.S.C. § 1301	Stay of Action Against Codebtor
FRCP 26	General Provisions Governing Discovery; Duty of Disclosure
FRBP 4001	Relief from Automatic Stay; Use of Cash Collateral; Obtaining Credit; Agreements
FRBP 7001(2)	Scope of Rules of Part VII
FRBP 9014	Contested Matters
AK LBR 1002-1	Petitions
AK LBR 7026-1	Discovery and Depositions
AK LBR 9013-1	Briefs; Memoranda
AK LBR 9075-1	Hearings; Trials
AK LBF 1	Motion for Relief From Stay
AK LBF 2	Notice of Motion for Relief From Stay
AK LBF 3	Notice of Motion for Relief From Stay (Codebtor)
AK LBF 4	Certificate of No Objections
AK LBF 7	Bankruptcy Court Calendar Request

#### **Rule 4001-2 Use Of Cash Collateral and Obtaining Post Petition Credit**

(a) **Motions to Use Cash Collateral.** Motions by the debtor in possession or trustee for authorization to use cash collateral must, in addition to Fed. R. Bankr. P. 4001(b), contain:

- (1) the relationship to the debtor, if any, of the creditor whose cash collateral is to be utilized;
  - (2) the nature or source of the cash collateral;
  - (3) the estimated amount of cash collateral to be used;
  - (4) a 90-day cash flow projection segregating cash receipts from cash collateral from all other sources of cash receipts;
  - (5) the balance owed to the creditor, as of the date the petition was filed, including any accrued, unpaid interest, cost or fees as provided in the agreement;
  - (6) an estimate of the amounts of any postpetition interest, costs and fees the creditor would be entitled to recover under § 506(b) of the Code;
  - (7) if the cash collateral is rent, the amount of the gross and net rent realized each month, and the fair market value of the property from which the rent emanates;
  - (8) if the collateral is receivables, an accounts receivable aging statement;
  - (9) if the collateral is inventory, current book or market value, whichever is lower, of the inventory;
  - (10) for any other collateral, the fair market value of the collateral;
  - (11) the method or means by which the interests of the creditor are to be adequately protected;
- and
- (12) a statement of whether or not the debtor proposes to grant any provision contained in subsection (f) and, if so, identify the provision.

(b) **Cash Collateral Utilization Agreements.** Motions or applications for the approval of an agreement for use of cash collateral must, in addition to complying with Fed. R. Bank. P. 4001(b), set forth in the body of the motion or application the information required by paragraphs (a)(1) through (a)(10), inclusive, and whether or not the agreement contains any provision contained in subsection (f) and, if so, identify the provision.

(c) **Postpetition Financing.** Motions by the debtor in possession or trustee for authorization to obtain postpetition credit or for approval of a postpetition financing agreement must contain, as a minimum:

- (1) identity of the lender and relationship, if any, of the lender to the debtor;
- (2) the amount of credit to be obtained or, in the case of line of credit financing, the maximum amount the lender is to advance;
- (3) if funding is to be incremental, timing of funding or method by which funding is to be determined;
- (4) a 90-day cash flow projection showing all sources of cash receipts other than the amounts to be borrowed;
- (5) if the lender is a prepetition creditor the following information—
  - [A] the balance owed to the creditor, as of the date the petition was filed, including any accrued, unpaid interest, cost or fees as provided in the agreement,
  - [B] if the lender is secured by receivables, an accounts receivable aging statement,
  - [C] if the lender is secured by inventory, current book or market value, whichever is lower, of the inventory,
  - [D] if the lender is secured by real property, the current fair market value of the property and, if income producing, the gross and net rents produced by the property, and
  - [E] if the lender is secured by any other property, the fair market value of the property;
- (6) a description of the collateral, if any, to secure the postpetition financing;
- (7) the current fair market value of the collateral, if any, to secure the post petition financing;
- (8) if any other entity has, or claims, a security interest in the collateral to secure the postpetition financing, set forth—
  - [A] identity of the entity, including any relationship to the debtor,
  - [B] the balance owed that entity,
  - [C] whether the interest of that entity is to be subordinated to the postpetition financing and if so—
    - (i) whether the subordinated entity has consented, or
    - (ii) in the absence of consent, how the interest of that entity is to be adequately protected; and
- (9) whether or not the financing agreement contains any provision contained in subsection (f) and, if so, identify the provision.

**(d) Motions Heard on Shortened Time.**

- (1) Unless otherwise ordered by the court, emergency motions or applications for interim relief made under subsections (a), (b), and (c), may be heard upon twenty-four (24) hours notice by telephonic or personal delivery to the entities identified in the applicable provision of Rule 4001, Federal Rules of Bankruptcy Procedure.
- (2) All requests for hearings on shortened time, must set forth with specificity:
  - [A] the immediate and irreparable harm the estate will suffer if relief is not immediately granted;
  - [B] the extent of the relief required to prevent such immediate and irreparable harm to the estate; and
  - [C] contain as much of the information required by subsection (a), (b), or (c), as applicable, as may be necessary to establish the necessity to avoid immediate and irreparable harm to the estate pending a final hearing.
- (3) Unless otherwise specifically ordered by the court, any interim order entered under this subsection will expire not later than twenty (20) days after the motion under subsection (a), (b), or (c) is filed.
- (4) [A] The court may, at its discretion, hold emergency hearings telephonically.  
 [B] The moving party is responsible for providing the court with the telephone numbers at which interested parties, or their representatives, may be reached.

(e) **Provisions Normally Approved.** The court will normally approve inclusion of the following provisions in any order or agreement for the use of cash collateral or any postpetition financing agreement:

(1) withdrawal of consent to use cash collateral or termination of further financing, upon occurrence of a default or conversion to chapter 7;

(2) securing any postpetition diminution in the value of the secured party's collateral with a lien on postpetition collateral of the same type as the secured party had prepetition, if such lien is subordinated to the compensation and expense reimbursement allowed to any trustee thereafter appointed in the case;

(3) securing new advances or value diminution with a lien on other assets of the estate, but only if the lien is subordinated to all the expenses of administration of a superseding chapter 7 case;

(4) reservation of rights under Bankruptcy Code § 507(b), unless the provision calls for modification of the Code's priorities in the event of conversion to chapter 7;

(5) reasonable reporting requirements;

(6) reasonable budgets and use restrictions; and

(7) expiration date for the stipulation.

(f) **Other Provisions.** Inclusion of any of the following provisions in any order or agreement for the use of cash collateral may be scrutinized by the court even in the absence of an objection by a party in interest:

(1) cross-collateralization clauses that secure prepetition debt by postpetition assets in which the secured party would not otherwise have a security interest by virtue of its prepetition security agreement;

(2) provisions or findings of fact that bind the estate or all parties in interest with respect to the validity, perfection or amount of the secured party's lien or debt;

(3) provisions or findings of fact that bind the estate or all parties in interest with respect to the relative priorities of the secured party's lien and liens held by persons who are not party to the agreement;

(4) clauses that prime the liens and/or security interests of secured creditors who are not parties to the agreement, unless consented to by the affected creditor;

(5) waivers of Bankruptcy Code § 506(c), except to the extent effective only during the period in which the debtor in possession or trustee is authorized to use cash collateral or borrow funds;

(6) provisions that preclude a future trustee with a duty to care for, preserve, and/or liquidate collateral from recovering the expenses of administration;

(7) provisions that characterize any postpetition payments as payments of interest, fees, or costs on prepetition obligations;

(8) provisions that operate specifically or as a practical matter to divest the debtor, or any other party in interest, of any discretion in the formulation of a plan or administration of the estate, or limit access to the court to seek any relief under applicable provisions of law;

(9) releases of liability for the creditor's prepetition torts, breaches of contract, or lender liability, as well as releases of prepetition or postpetition defenses and/or counterclaims;

(10) waivers of avoidance actions;

(11) provisions that would include the recovery from avoidance actions as adequate protection or part of the secured creditor's collateral;

(12) automatic relief from the automatic stay of Bankruptcy Code § 362(a) upon default, conversion to chapter 7, or the appointment of a trustee;

(13) adequate protection provisions that create liens on claims for relief arising under the Bankruptcy Code;

(14) waivers of the right to move for a court order under Bankruptcy Code § 363(c) (2) [B] authorizing the use of cash collateral in the absence of the secured party's consent;

(15) carve outs for administrative expenses that do not treat all professionals equally or on a pro rata basis;

(16) provisions that shorten the period of limitations any party in interest (including a successor trustee) for bringing claims or causes of action against the lender or secured creditor;

(17) a finding without testimony to the effect that in consenting to the use of cash collateral or postpetition financing, the secured creditor or lender is acting in good faith;

(18) waivers of the procedural requirements for foreclosure or repossession mandated under applicable nonbankruptcy law;

(19) provisions applicable in the event of a dispute under the agreement that place venue in a foreign jurisdiction;

(20) provisions applicable in the event of a dispute or default under the agreement wherein the debtor waives—

[A] service of process,

[B] the doctrine of *forum non conveniens*,

[C] notice and hearing, or

[D] the right to a jury trial; and

(21) Findings of fact on matters extraneous to the approval process.

**(g) Notice of Final Hearing.**

(1) In addition to service of the persons specified in Rule 4001, Federal Rules of Bankruptcy Procedure, a motion for the use of cash collateral under subsections (a) or (b), or to obtain credit under subsection (c), must be transmitted to the United States trustee.

(2) In addition to the persons specified in rule 4001, Federal Rules of Bankruptcy Procedure, notice of the final hearing on a motion for the use of cash collateral under subsections (a) or (b), or to obtain credit under subsection (c), must be given in form substantially conforming to AK LBF 35 or AK LBF 36, as applicable, to:

[A] the United States trustee;

[B] any person having filed a request for special notice; and

[C] such other persons as the court may direct.

**Related Provisions:**

11 USC § 101(31)	Insiders
11 USC § 361	Adequate Protection
11 USC § 362	Automatic Stay
11 USC § 363	Use, Sale or Lease of Property
11 USC § 364	Obtaining Credit
11 USC § 506	Determination of Secured Status
11 USC § 507	Priorities
FRBP 4001	Relief From Automatic Stay; Prohibiting or Conditioning the Use, Sale, or Lease of Property; Use of Cash Collateral; Obtaining Credit; Agreements
FRBP 9014	Contested Matters
AK LBR 9013-1	Briefs; Memoranda
AK LBF 7	Bankruptcy Court Calendar Request
AK LBF 35	Notice of Cash Collateral Hearing
AK LBF 36	Notice of Hearing on Motion to Obtain Credit

## **Rule 4002-1 Debtor – Duties**

### **(a) Property in Need of Attention or Protection**

(1) The debtor must promptly notify the trustee, or the United States trustee if a trustee has not yet been appointed, and any creditor having a security interest in the property telephonically and in writing if any property of the bankruptcy estate is:

[A] in an account not authorized by §345 of the Code or that exceeds the FDIC insured amount for funds on deposit;

[B] in jeopardy due to perishability, exposure to loss, damage or theft;

[C] is located in a place that requires that the property be moved promptly; or

[D] is otherwise in need of immediate attention.

(2) If the trustee cannot be reached telephonically, the debtor must telephonically advise the United States Trustee's Office in Anchorage.

(3) Certification of notice must be filed by the debtor with the court.

**(b) Domestic Support Obligations.** In all cases in which the debtor is an individual obligated to make payments on a domestic support obligation, subject to the provisions of AK LBR 2015-1(b), the debtor must, to the extent applicable:

(1) Within fifteen (15) days of filing the petition in all cases except chapter 11 and within seven (7) days of the appointment of a trustee in a case under chapter 11, provide the trustee with—

[A] the name, address, and telephone number of any person holding a domestic support obligation,

[B] the amount of domestic support payments required to be made and the dates of the month that any payments comes due,

[C] the amount of any domestic support payments that were due and unpaid at the time the petition was filed,

[D] a copy of the court decree, settlement agreement, or order of a governmental agency establishing the domestic support obligation,

[E] if the holder of the claim resides outside the State of Alaska, the name, address, and telephone number of the applicable child support agency in the state in which the holder of the claim resides, and

[F] the name, address, and telephone number of the debtor's employer;

(2) Within five (5) days of making any domestic support payment first coming due after the petition is filed, provide the trustee with evidence that the payment has been made;

(3) Within ten (10) days of receiving notice of a change of address or telephone number of a holder of a domestic support obligation, provide the trustee with—

[A] the new address and/or telephone number of the holder of the domestic support obligation, and

[B] if applicable, the information required by subparagraph (1)[E];

(4) Within ten (10) days of the date of any change in employment, provide the trustee with the name, address, and telephone number of the debtor's new employer; and

(5) Within five (5) days of the execution of any reaffirmation agreement, provide the trustee with a copy of the reaffirmation agreement.

### **Related Provisions:**

11 U.S.C. § 101(14A) “domestic support obligation”

11 U.S.C. § 112 Prohibition on disclosure of name of minor children

11 U.S.C. § 521 Debtor's Duties

11 U.S.C. § 704 Duties of trustee

11 U.S.C. § 707 Dismissal of a case or conversion to a case under chapter 11 or 13

11 U.S.C. § 1106	Duties of trustee and examiner
11 U.S.C. § 1202	Trustee
11 U.S.C. § 1302	Trustee
FRBP 1008	Verification of Petitions and Accompanying Papers
FRBP 4002	Duties of Debtor
AK LBR 2015-1	Trustee – General
AK LBF 38	Statement Under Penalty of Perjury Concerning Payment Advices Due Pursuant to 11 U.S.C. § 521(a)(1)(B)(iv)

### **Rule 4003-1 Objections to Claims of Exemption**

(a) **Hearing.** A party filing an objection to the claim of exemptions under Rule 4003(b), Federal Rules of Bankruptcy Procedure, must submit a calendar request requesting a hearing at the same time the objection is filed with the court.

(b) **Notice of Hearing.** Within two (2) days of receiving the hearing date from the court, the party filing the objection to exemptions must give notice of the hearing date conforming to AK LBF 34 to the trustee and all parties on whom the objection to exemptions must be served in accordance with Rule 4003, Federal Rules of Bankruptcy Procedure.

### **Related Provisions:**

FRBP 4003	Exemptions
AK LBF 7	Bankruptcy Court Calendar Request
AK LBF 34	Notice of Hearing on Objections to Claim of Exemptions

### **Rule 4008-1 Reaffirmation Hearing**

#### **(a) General**

(1) Reaffirmation agreements must follow the format of Procedural Form B240, “Reaffirmation Agreement,” and all applicable parts of the agreement must be must be completed in their entirety.

(2) Except in a case in which the presumption of undue hardship arises or the court otherwise orders, a reaffirmation hearing will not be required in individual chapter 7 cases where the debtor(s) is(are) represented by counsel.

(3) [A] The court will enter a discharge as soon as appropriate without regard to whether reaffirmation agreements have been entered into in accordance with §521(a)(2) of the Code.

[B] It is the duty of counsel for the debtor, the debtor, and the creditor whose obligation is to be reaffirmed to assure compliance with the requirements of §524(c) of the Code.

#### **(b) Delay of Entry of Discharge.**

(1) Entry of discharge may be delayed to accommodate entry into a reaffirmation agreement for a period not to exceed thirty (30) days upon *ex parte* motion filed by the debtor.

(2) On *ex parte* motion of the debtor within the 30-day period, the court may defer entry of discharge to a date certain.

#### **(c) Service of Reaffirmation Agreement.**

(1) If a reaffirmation agreement is filed conventionally, the party filing the reaffirmation agreement must serve a conformed copy of the agreement (showing the date filed stamp) on the other party or party’s counsel.

(2) If a reaffirmation agreement is filed electronically, unless the other party or counsel for the other party is served electronically, the party filing the reaffirmation agreement must serve a true and correct copy of the agreement, together with a copy of the Notice of Electronic Filing generated by the CM/ECF System for the agreement, on the other party or party’s counsel.

**Related Provisions:**

11 U.S.C. § 521	Debtor's duties
11 U.S.C. § 524	Effects of discharge
FRBP 4004	Grant or Denial of Discharge
FRBP 4008	Reaffirmation and Discharge Hearing
FRBP 9013	Motions; Form and Service
Official Form 6, Schedule I	"Current Income of Individual Debtor(s)"
Official Form 6, Schedule J	"Current Expenses of Individual Debtor(s)"
Procedural Form B240,	"Reaffirmation Agreement"
AK LBR 5005-4	Electronic Case Filing
AK LBR 9075-1	Hearings; Trials



## PART V — COURTS AND CLERKS

### Rule 5001-2 Clerk's Office Locations and Hours

(a) **Petitions.** Petitions and documents filed with the initial petition may be filed conventionally at the following locations:

Office of the Clerk, Bankruptcy Court  
605 West Fourth Avenue, Room 138  
Anchorage, AK 99501-2296

Clerk of the State Court  
Federal Building, 113 Front St., Room 229  
Nome, AK 99762

Office of the Clerk, District Court  
Federal Building & U.S. Courthouse  
101 12th Avenue, Room 370, Box 1  
Fairbanks, AK 99701-6237

Office of the Clerk, District Court  
648 Mission Street  
Ketchikan, AK 99901-6534  
(Hours 8:00 to 11:00 a.m.)

Office of the Clerk, District Court  
709 West Ninth Street, Room 979  
Box 020349  
Juneau, AK 99802-0349

(b) **Subsequent Documents.** All subsequent documents may be filed conventionally only at the Anchorage or Fairbanks locations.

(c) **Filing by Mail or Special Delivery.** All documents filed by delivery utilizing the U.S. Postal Service, Fed-Ex, UPS, DHL, or similar services, are to be filed in the Anchorage office only.

(d) **Disposition of Conventionally Filed Documents.** Once digitally imaged ("scanned") into the CM/ECF system, the Clerk of the Court will retain, distribute, or otherwise dispose of the original of all conventionally filed pleadings, papers, and documents as may be otherwise provided by statute or court rule.

(e) **Business Hours.**

(1) Except as noted in subsection (a), regular business hours are from 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m., Monday through Friday, except federal holidays, and days designated as holidays by the Chief Judge of the United States District Court or the Administrative Office of the United States Courts.

(2) Office locations and business hours may be adjusted or changed, with or without prior notice, as staffing and budgetary conditions dictate.

(f) **Replacing Papers Lost or Withheld.** If an original paper or pleading, other than a paper or pleading that has been electronically imaged ("scanned") and filed in the CM/ECF system, is lost or withheld by any person, the court may order a verified copy to be filed and used in lieu of the original.

### **Related Provisions:**

28 U.S.C. § 152(b), (c), (d)	Place of Holding Court
FRBP 5005	Filing of Papers
AK LBR 5003-2	Court Records
AK LBR 5005-2	Number of Copies

**Rule 5003-1 Court Records** [*Abrogated*] [Replaced by AK LBR 5003-2]

### **Rule 5003-2 Court Records**

(a) **Official Record.** The Case Management/Electronic Case Filing System constitutes the official record of the court.

(b) **Records — Custody of the Clerk.**

(1) All records of the court will remain in the custody of the Clerk.

(2) [A] The record for any open case and any case in the Case Management/Electronic Case Filing System will be available for inspection by the public during regular business hours at the Office of the Clerk, 605 West Fourth Avenue, Room 138, Anchorage, Alaska without charge.

[B] The record for any case in the Case Management/Electronic Case Filing System will be available for inspection by the public during regular business hours at the Office of the Clerk in any satellite location without charge.

(3) Permission of the Clerk of the Court is required for removal of any record.

(c) **Research by Court Personnel.** Requests for research of any record by court personnel must be in writing and accompanied by the statutory fee.

### **Related Provisions:**

11 U.S.C. § 107	Public Access to Papers
11 U.S.C. § 505	Determination of tax liability
28 U.S.C. § 1930(b)	Bankruptcy Fees
FRCP 77(c)	Clerk's Office and Orders by Clerk
FRBP 9006	Time
FRBP 5001	Courts and Clerks' Offices
FRBP 5003	Records Kept By the Clerk
AK LBR 5001-2	Clerk's Office Location and Hours

**Rule 5005-1 Place of Filing** [Abrogated] [Replaced by AK LBR 5001-2]

### **Rule 5005-2 Number of Copies**

(a) **Petitions, Schedules and Statements.**

(1) In cases filed under chapter 7, 12 or 13 of the Code, one (1) paper copy of each original petition, schedule, statement of financial affairs, and any amendments, supplements or addendum thereto, whether filed conventionally or electronically, must be submitted to the clerk.

(2) [A] In cases filed under chapter 9 or 11 of the Code, two (2) paper copies of each original petition, schedule, statement of financial affairs, and any amendments, supplements or addendum thereto, whether filed conventionally or electronically, must be submitted to the clerk.

[B] In chapter 11 cases, if the debtor is a publicly traded entity, each petition, schedule, statement of financial affairs and any amendments, supplements or addendums thereto, whether filed conventionally or electronically, must be accompanied by one copy in addition to the copies required under subparagraph (2)[A].

(3) [A] If the original documents are filed conventionally, the paper copy or copies required by paragraphs (1) and (2) must accompany the originals.

[B] If the original documents are filed electronically, the paper copy or copies required by paragraphs (1) and (2) must be hand delivered or placed in the mail to the clerk within one (1) business day of the date the originals are filed.

(b) **Chapters 9, 11, 12 and 13 Plans.** In addition to the original, each plan in cases under chapters 9, 11, 12 and 13 and the chapter 11 disclosure statement and any amendments, supplements or addendum thereto, must be accompanied by the same number of copies as is provided in subdivision (a) for petitions, schedules, and statements of affairs for the applicable chapter.

**(c) Lengthy Pleadings.**

(1) Any pleading, motion, paper or other document filed with the court, conventionally or electronically, that exceeds twenty-five (25) pages in length, including all attachments and exhibits thereto, must be accompanied by one (1) paper copy for use by the court.

(2) Copies must be complete, including any attachments or exhibits made a part of the original pleading, motion, paper or document being filed.

(3) The paper copy must be submitted to the court as provided in subparagraph (a)(3).

Related Provisions:

AK LBR 5001-2              Clerk's Office Location and Hours

**Rule 5005-4 Electronic Case Filing**

**(a) Procedures.**

(1) The filing of documents in electronic format will be in accordance with this rule and the electronic filing procedures promulgated by the Clerk of the Court.

(2) Participants in the Case Management/Electronic Case Filing ("CM/ECF") System are responsible for ensuring that current filing procedures are followed.

**(b) Registration.**

**(1) Password.**

[A] (i) Each attorney admitted to practice under AK LBR 2090-1(a) or appearing under AK LBR 2090-1(b)(2), who files pleadings, documents, or papers in the court, must obtain a CM/ECF System password to permit the attorney to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the CM/ECF System electronic filing procedures.

(ii) Exceptions to the requirements of subparagraph (1)[A](i) will be granted only upon motion for good cause shown.

(iii) Attorneys in outlying areas of the state that do not have access to high speed (256 kbs, or higher) internet access may be exempted from the requirements of subparagraph (1)[A](i) until such time as high speed (256 kbs, or higher) internet access becomes available in the area in which the attorney practices. Any request for exception under this provision must be accompanied by an affidavit showing the availability and cost of internet access in the area.

[B] Every trustee appointed in cases before this court must obtain a CM/ECF System password to permit the trustee to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the CM/ECF System electronic filing procedures.

[C] Attorneys admitted to practice under AK LBR 2090-1(b)(1) and any individual who is a creditor or interested party, or the duly authorized officer or agent of a creditor or interested party that is not an individual, may be entitled to one CM/ECF System password to permit the individual to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the CM/ECF System electronic filing procedures.

[D] (i) An individual may become registered to participate in the CM/ECF System upon completion of training and submission of a Certification for CM/ECF form to the court.

(ii) An individual who is the representative of a creditor or interested party that is not an individual must submit satisfactory evidence that the individual is duly authorized to act for and on behalf of the represented party.

(2) *Consent to Electronic Notice and Service.* Participation in the CM/ECF System by receipt of a password from the court, constitutes:

[A] a request for service of notice electronically under Rule 9036, Federal Rules of Bankruptcy Procedure; and

[B] consent to receive notice and service by electronic means in each case in which a formal entry of appearance as a party or attorney for a party has been made.

(3) *Unauthorized Use of Passwords.*

[A] No registered participant may knowingly permit or cause to permit the participant's password to be utilized by anyone other than an authorized employee of the participant or the participant's firm.

[B] No person may knowingly utilize or cause another person to utilize the password of a registered participant unless the person is an authorized employee of the participant or the participant's firm.

(4) *Compromised Password.*

[A] Each registered participant in the CM/ECF System is responsible for maintaining the integrity of the participant's password.

[B] In the event a registered participant has reason to believe that the password issued to the participant has been compromised or otherwise may be subject to use by an unauthorized person, the participant must immediately:

- (i) cancel the existing password and issue a new password; and
- (ii) notify the Clerk of the Court in writing of the change.

(5) *Withdrawal.*

[A] (i) A registered participant may withdraw from participation in the CM/ECF System by providing the Clerk of Court with written notice of withdrawal.

(ii) A registered participant who is the representative of a creditor or interested party that is not an individual must, immediately upon termination of the individual's authority to act for or on behalf of the represented party, withdraw from participation and notify the Clerk of the Court with written notice of the withdrawal.

[B] Upon receipt of a written notice of withdrawal, the Office of the Clerk will immediately cancel the participant's password and delete the participant from any applicable electronic service list.

(c) **Signatures.**

(1) *Registered Participant.* The electronic filing of a petition, pleading, motion or other paper by a registered participant in the CM/ECF System constitutes the signature of that participant under Rule 9011, Federal Rules of Bankruptcy Procedure.

(2) *Debtors.*

[A] For all petitions, lists, schedules and statements requiring the signature of the debtor(s) that are filed electronically, a Declaration Re: Electronic Filing, AK LBF 37A or 37B, as applicable, must be prepared by the participant, bearing the original signatures of the debtor(s) and the attorney for debtor(s).

[B] The declaration constitutes the debtor(s) original signatures for filing purposes.

[C] The original declaration must be:

- (i) signed before the petition is filed; and
- (ii) filed conventionally with the Bankruptcy Court within fifteen (15) days of the date the petition is electronically filed.

(3) *Verified Documents.*

[A] Verified documents (affidavits or declarations under penalty of perjury as provided in 28 U.S.C. § 1746) are to be filed electronically.

[B] Except for documents covered by paragraphs (c)(1) and (c)(2), the signature page of the verified document filed electronically must be an imaged (scanned) document bearing a digital copy of the original signature.

(4) *Other Documents.* For documents not otherwise governed by this subsection, unless the pleading or paper being electronically filed is an imaged (scanned) document bearing a digital copy of the original signature, it must indicate that it has been signed by means of a signature designation: e.g., “/s/ Jane Doe.”

**(d) Electronic Filing.**

**(1) Mandatory Electronic Filing.**

[A] Except as expressly otherwise provided in this Rule or in exceptional circumstances that prevent a participant from filing electronically, all petitions, motions, pleadings, memoranda of law, or other documents required to be filed with the court in connection with a case assigned to the CM/ECF System must be electronically filed by participants in the CM/ECF System.

[B] Parties and attorneys who are not participants in the CM/ECF System will continue to file all pleadings and papers conventionally.

(2) *Related Documents.* All documents must be filed separately, except that exhibits to a document must be filed as attachments to that document under the same docket number.

[A] Where documents related to a motion or other pleading are being filed concurrently with the motion or other pleading, e.g., a motion, memorandum of law and a supporting affidavit, the related documents must be filed separately and shown as being a document related to the motion or other pleading.

[B] If documents being submitted electronically have lengthy exhibits, the filing of relevant excerpts of the exhibits is preferred and permitted without prejudice to the right of any party to file additional excerpts or the complete exhibit with the court at any time.

**(3) Emergency Motions.**

[A] Emergency motions, supporting pleadings and objections are to be filed electronically as provided in this rule.

[B] The party filing the motion must promptly advise the judge's law clerk or secretary of the filing telephonically.

(4) *Proposed Orders, Findings and Judgments.* Unless otherwise ordered by the court, participants in the CM/ECF System must submit all proposed orders, findings of fact and conclusions of law and judgments electronically, in accordance with the CM/ECF Administrative Procedures Guide.

(5) *Calendar Requests.* Unless otherwise ordered by the court, participants in the CM/ECF System must submit all Bankruptcy Court Calendar Requests, AK LBF 7, electronically, in accordance with the CM/ECF Administrative Procedures Guide.

**(e) Service.**

(1) The filing party must serve the pleading or other paper being electronically filed upon all persons entitled to notice or service in accordance with otherwise applicable rules.

(2) Except as otherwise provided by these rules, if a person entitled to notice or service is a registered participant in the CM/ECF System in the case in which the pleading or other paper is being filed, service by electronic means of the Notice of Electronic Filing is deemed the equivalent of service of the pleading or other paper by first class mail, postage prepaid.

(3) Notwithstanding the foregoing, service of a summons and complaint in an adversary proceeding or an involuntary bankruptcy proceeding and a motion under Rule 9014 must continue to be made under Rule 7004, Federal Rules of Bankruptcy Procedure.

(f) **Docketing.**

(1) *Entry on Docket.* The electronic filing of a pleading or other paper in accordance with CM/ECF System Procedures constitutes entry of that pleading or other paper on the docket kept by the clerk under Rule 5003, Federal Rules of Bankruptcy Procedure.

(2) *Notice to Filing Party.* Whenever a pleading or other paper is filed electronically in accordance with CM/ECF System Procedures, the System will automatically generate a "Notice of Electronic Filing" by electronic means at the time of docketing.

(3) *Entry of Orders and Judgments.*

[A] The Office of the Clerk will enter all orders, decrees, judgments, and proceedings of the court in accordance with CM/ECF System Procedures, which constitutes entry of the order, decree, judgment, or proceeding on the docket kept by the clerk under Rule 9021, Federal Rules of Bankruptcy Procedure.

[B] On all orders submitted electronically, the Office of the Clerk will place the notation "**FILED ON**\_\_\_\_\_" on the first page of the order, and will insert the date that the order is entered on the docket. The date so inserted will be the equivalent of the conventional "date filed" stamp for all purposes.

(4) *Titles.* The person electronically filing a pleading or other document is responsible for designating a title for the document by using one of the categories contained in the CM/ECF System.

(g) **Special Filing Requirements.** Electronic or conventional filing of the following documents is governed by the provisions of this subsection:

(1) *Documents to be Filed under Seal.*

[A] A motion to file document(s) under seal must be filed electronically, and a proposed order authorizing filing under seal must be submitted to the court in accordance with this rule.

[B] After the entry of an order authorizing documents to be filed under seal, the documents to be filed under seal must also be filed electronically, in accordance with the CM/ECF Administrative Procedures Guide.

(2) *Exhibits to Pleadings.*

[A] Wherever possible, documents being filed as exhibits, including but not limited to leases, notes, and the like, should be electronically imaged (*i.e.*, "scanned") and filed as part of the document referring to the exhibit using Portable Document Format (pdf).

[B] Exhibits that are not available in electronic form are to be filed conventionally, attached to a copy of the Notice of Electronic Filing for the electronically filed document to which the exhibit(s) relate.

(3) *Proofs of Claim.* [Abrogated]

(4) *Summons to be Issued by the Clerk.* Summonses to be issued by the Clerk may be submitted electronically, in the same manner as specified in subsection (d)(4) for proposed orders, findings and judgments, or may be submitted conventionally.

(5) *Trial and Hearing Exhibits.*

[A] Exhibit lists, to the extent that the filing thereof is otherwise required by applicable rules of bankruptcy procedure, are to be filed electronically.

[B] The actual exhibits are to be submitted conventionally as provided by otherwise applicable rules of bankruptcy procedure.

(6) *Transcripts.*

[A] Whenever possible, transcripts, or the relevant portions thereof, should be electronically imaged (*i.e.*, "scanned") and filed as part of the document referring to the transcript using Portable Document Format (pdf).

[B] Transcripts that are not available in electronic form are to be filed conventionally, attached to a copy of the Notice of Electronic Filing for the electronically filed document to which the transcript(s) relate.

(7) *Report of Balloting.* [Abrogated]

(8) *Statement of Social Security Number.* The Statement of Social Security Number submitted in accordance with Rule 1007(f), Federal Rules of Bankruptcy Procedure, is to be submitted immediately after the electronic filing of a petition, in the same manner as specified in (d)(4) for proposed orders.

(9) *Service of Conventionally Filed Documents.* Pleadings or other documents filed conventionally under this subsection must be served in the manner provided for in, and on those parties entitled to notice in accordance with, the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules except as otherwise provided by order of the court.

**(h) Fees.**

(1) Any required fee may be paid by authorized credit card as provided in the CM/ECF Administrative Procedures Guide.

(2) Unless other arrangements are made with the Clerk of Court, any required fee for a document filed electronically not paid as provided in paragraph (1) must be mailed to the Clerk of the Court not later than the next business day or hand delivered to the Clerk of the Court not later than the second business day next immediately following the filing.

(i) **Copies and Certified Copies.** Conventional copies and certified copies of electronically filed documents may be obtained at the Office of the Clerk, 605 West Fourth Avenue, Room 138, Anchorage, Alaska 99501-2296. A fee for copying and certification will be charged and collected in accordance with 28 U.S.C. § 1930.

**(j) Technical Failures.**

(1) If a participant in the CM/ECF System is unable to transmit a time-critical document for electronic filing, due to technical failure of either the CM/ECF System or the participant's system, or due to internet congestion or internet service provider problems, the participant must promptly contact the Clerk of the Court and make arrangements for conventional filing of the document.

(2) Unless exceptional circumstances exist that prevent the document from being transmitted during regular business hours, as defined in AK LBR 5003-2(e), the participant must make every effort to transmit any time-critical document during regular business hours on the date the document is due.

**(k) Consequences for Noncompliance.**

(1) *Effect of Failure to Make Payment.*

[A] In the event of nonpayment of the fee for filing a petition, the petition may be dismissed by the court after a hearing on shortened time of not less than five (5) days notice.

[B] In all other matters, if the required fee is not paid as provided in subsection (h), the motion or application for which the fee is required will be deemed withdrawn by the party making the motion or application and, except as may be otherwise ordered by the court for cause, no further proceedings on the motion or application will take place.

(i) Notice of the deemed withdrawal will be given electronically by the Clerk of the Court to all interested parties in the case who have requested notice by electronic means.

(ii) The party who filed the motion or application must, no later than two (2) business days thereafter, give notice of the deemed withdrawal to all parties in interest to whom notice of the motion or application was given.

(2) *Effect of Failure to Timely Execute or File Declaration Re: Electronic Filing.* In the event that a participant fails to obtain the signature on or timely file the Declaration Re: Electronic Filing, AK LBF 37A or AK LBF 37B, as applicable, as provided in paragraph (c)(2), the court may after a hearing on shortened time of not less than five (5) days notice:

[A] Dismiss the petition; and/or

[B] impose on the participant such other sanctions as may be appropriate in the circumstances.

(3) *Other Consequences.* In addition to the foregoing, any misuse of the CM/ECF System, or intentional noncompliance with its requirements, may result in revocation of the participant's login and password privileges and/or the imposition of sanctions as provided in District of Alaska Local Rule 1.3.

**Related Provisions:**

FRBP 1007	Lists, Schedules, and Statements; Time Limits
FRBP 5005	Filing and Transmittal of Papers
FRBP 7005	Service and Filing of Pleadings and Other Papers
AK LBR 1002-1	Petitions
AK LBR 1005-1	Caption of Petitions
AK LBR 1007-1	Matrix
AK LBR 1007-2	Form of Schedules and Statements
AK LBR 1009-1	Amendment of Schedules and Matrix
AK LBR 2002-1	Notices
AK LBR 3002-1	Claims
AK LBR 5005-2	Number of Copies
AK LBR 7005-1	Electronic Service
AK LBR 9004-1	Form of Pleadings and Other Papers
AK LBR 9013-1	Briefs; Memoranda
AK LBR 9021-1	Orders, Findings, Conclusions, Judgments
AK LBR 9036-1	Request for Notice by Electronic Transmission
AK LBF 37A	Declaration re: Electronic Filing (Individual)
AK LBF 37B	Declaration re: Electronic Filing (Corporation/Partnership/LLC)

**Rule 5011-1 Withdrawal of Reference**

(a) **Filing** . A motion to withdraw the reference to the bankruptcy court must be filed with the clerk of the bankruptcy court.

(b) **Service and Notice.**

(1) A party filing a motion to withdraw the reference of the case in its entirety must:

[A] transmit the motion to the United States trustee;

[B] serve it on—

(i) the trustee,

(ii) debtor,

(iii) any committee appointed under the Code, and

(iv) any party having filed a request for special notice; and

[C] give notice of the motion to all parties in interest.

(2) A party filing a motion to withdraw the reference as to a proceeding but not the entire case, must:

[A] transmit the motion to the United States trustee; and

[B] serve it on—



- (i) the trustee,
- (ii) debtor, and
- (iii) any other party to the proceeding.

**(c) Objection to Withdrawal of Reference.**

(1) A party objecting to the motion for withdrawal of reference may, within twenty (20) days of the date the motion is served or notice is mailed, whichever is later, file a written objection to withdrawal of the reference.

(2) A party filing an objection to the motion for withdrawal of the reference must:

[A] transmit it to the United States trustee; and

[B] serve it on the moving party and those entities upon whom the motion was served.

**(d) Determination of Motion.** A motion for withdrawal of the reference is governed by Rule 9033, Federal Rules of Bankruptcy Procedure.

**Related Provisions:**

28 U.S.C. § 157	Procedures
FRBP 5011	Withdrawal and Abstention from Hearing a Proceeding
FRBP 9033	Review of Proposed Findings of Fact and Conclusions of Law in Non-Core Proceedings
AK LBR 2002-1	Notices
AK LBR 9013-1	Briefs; Memoranda
AK LBF 11	Notice of Application For Order

**Rule 5071-1 Continuances**

Any party requesting the continuance of a trial, hearing or conference must:

(1) file a motion seeking the continuance at least three (3) business days prior to the scheduled trial, hearing or conference;

(2) advise the court of the affected party's response to the request or what attempts have been made to gain each party's consent; and

(3) [A] give telephonic notice to all affected parties of the—

- (i) date,
- (ii) time,
- (iii) location of, and
- (iv) reason for, the continued hearing; and

[B] file written confirmation of the notice with the clerk within two (2) business days of receiving the continuance from the court, but in any event, not later than the business day next immediately preceding the date of the hearing, trial, or conference to be continued.

**Related Provisions:**

FRBP 9006(a)	Time — Computation
AK LBR 9075-1	Hearings; Trials

**Rule 5074-1 Facsimile Filing**

**(a) Acceptance of Facsimile Pleadings.** A pleading, complaint or petition may be accepted as timely filed by transmission to the court facsimile machine on time critical matters under the following criteria:

(1) prior authorization must be received from one of the following court personnel: Judge, law clerk, clerk of court, or chief deputy;

(2) p cover sheet with a brief statement of time critical status;

- (3) a fee as established by the clerk of court; and
- (4) original pleading must be filed within five (5) business days of facsimile authorization, together with the required fees.
- (b) **Service by Facsimile.** *[Abrogated]*
- (c) **Notice.** A facsimile copy of any document filed with the clerk of court across the counter must be accompanied by a notice stating:
  - (1) that the document is a facsimile;
  - (2) explaining why the original document cannot be filed; and
  - (3) indicating when the original will be filed with the court.
- (d) **Petitions with Facsimile Signatures.** A petition bearing a facsimile signature of the debtor(s), filed with the Clerk of Court across the counter on a time critical basis, will be treated as a facsimile pleading subject to the fee provided in paragraph (a)(3).

**Related Provisions:**

FRBP 9006(a)      Time — Computation

**Rule 5075-1 Delegation of Ministerial Orders and Notices**

- (a) **Delegation.** The Clerk of the Court and those deputies as the Clerk may designate are authorized to sign and enter without further direction the following ministerial orders and notices:
  - (1) Orders and notices that establish meeting and hearing dates required or requested by a party in interest under the Code, including orders which fix the last dates for the filing of pleadings by parties in interest as to various matters, including objections to discharge and confirmations of plans, complaints to determine dischargeability of debts, and proofs of claim.
  - (2) Final decrees closing cases and discharging the trustees in all cases for which the trustee has reported that there is no estate to administer or for which an order has been entered by a Judge approving the final report and account of the trustee.
  - (3) All motions and applications in the clerk's office for issuing summonses, subpoenas, or other mesne process, for issuing final process to enforce and execute judgments, and for other proceedings which do not require allowance or order of the court, are grantable as a matter of course by the clerk; but the action of the clerk may be suspended or altered or rescinded by the court upon cause shown.
  - (4) *[Deleted]*
  - (5) Form notices concerning: the entry of an order for relief, the dismissal of a case, the revocation of the discharge of a debtor, the filing of amended schedules, conversion of the case, asset determination and the need to file proofs of claim, and form notice for fees due.
  - (6) Orders permitting the payment of filing fees in installments and fixing the number, amount, and date of payment of each installment.
  - (7) Orders on consent for the substitution of attorneys.
  - (8) Orders on consent satisfying a judgment.
  - (9) Orders entering default for failure to plead or otherwise defend (as provided in Rule 55(a), Federal Rules of Civil Procedure).
  - (10) Judgments by default in the circumstances and upon the proof specified in Rule 55(b)(1), Federal Rules of Civil Procedure, including an affidavit that the person against whom judgment is sought is not an infant or incompetent person, and an affidavit under the Soldiers' and Sailors' Civil Relief Act of 1940 (as amended) that the defendant is not in the armed forces.
  - (11) Routine orders authorizing the appointment of attorneys, accountants, and auctioneers in Chapter 7 cases, provided the allowance of compensation is left for later determination by the court, and provided the pleadings or application to employ do not indicate a potential conflict of interest.

(12) Orders substituting a transfer of a proof of claim for the original claimant pursuant to Bankruptcy Rule 3001(e)(2) upon notice to the original claimant of the filing of the evidence of transfer and a failure by the original claimant to object.

(13) Orders for compliance requiring timely filing of schedules and statements and Orders for compliance with filing requirements and notices of intent to dismiss for failure to comply.

(14) Discharge orders in Chapter 7 cases.

(b) **Service.** [*Abrogated*]

**Related Provisions:**

AK LBR 5005-4          Electronic Case Filing

**Rule 6004-1 Sale of Estate Property**

**(a) Notice of Sale.**

(1) Other than a sale free and clear of interests, a sale under § 363(b) of the Code is initiated by notice under Rules 2002(a)(2) and 6004, Federal Rules of Bankruptcy Procedure.

(2) The notice must include:

[A] the terms of the sale;

[B] name of the purchaser;

[C] relationship, if any, of the purchaser to the debtor;

[D] the fair market value of the property;

[E] the anticipated professional fees and expenses related to the sale;

[F] indicate whether the sale includes personally identifying data; and

[F] in a chapter 11 case, whether or not the assets proposed to be sold comprise a major part of debtor's estate or if their sale will affect debtor's ability to continue operating as a going concern.

**(b) Sale Free and Clear of Interests .**

(1) A motion for authority to sell property free and clear of liens or other interests is governed by Rule 9014, Federal Rules of Bankruptcy Procedure and must be served on the parties who have liens or other interests in the property to be sold.

(2) A hearing must be held before a sale free and clear of liens or encumbrances may be held, even if no objections are filed in response to the notice.

(3) In addition to the information required under subdivision (a), the notice must include:

[A] the date of the hearing on the motion;

[B] the time within which objections may be filed;

[C] notice that the property is to be sold free and clear of liens or encumbrances;

[D] the amount of each lien or encumbrance claimed against the property;

[E] the sub-paragraph of § 363(f) of the Code under which the sale is authorized; and

[F] if the proceeds of the sale appear to be insufficient to pay all the liens and encumbrances claimed against the property, then the notice must further state—

(i) the liens and encumbrances that may not be paid from the sale proceeds, and

(ii) the necessity for the sale.

(4) Unless otherwise provided in the notice, all interests in property sold free and clear of liens and encumbrances attach to the proceeds of sale.

**(c) Mandatory Discovery Exchange.** Not later than ten (10) days after service of any objection to the sale of property, the parties must comply with the requirements of Rule 26(a), Federal Rules of Civil Procedure.

**(d) Handling Proceeds.**

(1) Unless the liquidation proceeds are remitted to the case trustee, if one is appointed, at the time of the sale, the auctioneer must deposit all liquidation proceeds in a trust account at a depository approved by the United States trustee.

(2) All liquidation proceeds must be remitted to the case trustee within fifteen (15) days after the sale.

**(e) Report of Sale.** Within thirty (30) days after a sale, auctioneers must submit a report of sale required by Rule 6004, Federal Rules of Bankruptcy Procedure to the trustee. The report of sale must include:

(1) the date of the sale;

(2) the price obtained for each item sold together with:

- [A] the name and address of each purchaser in the case of an auction; or
  - [B] cash register tapes or appropriate documentation in the case of other types of sales;
  - (3) the total amount of funds received and the amount transferred to the trustee;
  - (4) the compensation and expenses sought by the auctioneer [expense requests must be documented by appropriate receipts or explanation];
  - (5) a statement that the auctioneer or insider did not directly or indirectly acquire an interest in any of the estate property sold; and
  - (6) an explanation and sample of advertising efforts.
- (f) **Bond.** An auctioneer must file a bond with the United States trustee that meets the requirements of the United States trustee.

**(g) Section 506(b) Claims.**

(1) Unless the claim was previously noticed to the parties in interest in connection with the notice of the proposed sale of the property, a creditor having or claiming to have an interest in the property to be sold who claims post-petition fees, costs or charges under §506(b) of the Code, must, not later than thirty (30) days after the order approving the sale is entered:

[A] file with the court an application for allowance of the claim, setting forth the amount of post-petition fees, costs, and charges claimed to be due;

[B] transmit the application to the United States trustee, and

[C] serve it on—

- (i) the debtor or trustee, if one has been appointed,
- (ii) any committee appointed in the case or, if no committee has been appointed, the five (5) largest unsecured creditors, and
- (iii) any party having or claiming to have an interest in the property being sold.

(2) A party objecting to the application for allowance of post-petition fees, costs and charges may serve and file an objection, in writing, not later than fifteen (15) days after service of the application.

(3) If no objection is filed as specified in paragraph (g) (2), the application for allowance will be deemed allowed or approved without further order of the court.

**Related Provisions:**

11 U.S.C. § 332	Consumer privacy ombudsman
11 U.S.C. § 345	Money of estates
11 U.S.C. § 363	Use, sale or lease of property
FRCP 26	General Provisions Governing Discovery; Duty of Disclosure
FRBP 2002(a)	Twenty-Day Notices to Parties in Interest
FRBP 2014	Employment of Professional Persons
FRBP 2016	Compensation for Services Rendered and Reimbursement of Expenses
FRBP 6004	Use, Sale or Lease of Property
FRBP 9014	Contested Matters
AK LBR 2015-1	Funds of the Estate
AK LBR 4002-1	Property in Need of Attention or Protection
AK LBR 7026-1	Discovery and Depositions
AK LBR 9013-1	Briefs; Memoranda
AK LBR 9014-1	Contested Matters
AK LBR 9075-1	Hearings; Trials
AK LBF 22	Notice of Proposed Sale of Property
AK LBF 23	Notice of Proposed Sale, Use or Lease of Property

## **Rule 6006-1 Notice of Motion to Assume, Reject or Assign Executory Contracts or Unexpired Leases**

### **(a) Service of Notice.**

(1) Twenty (20) days notice of a motion by a party in interest requesting that the court direct the trustee or debtor in possession to assume or reject an executory contract or unexpired lease, or a notice of a motion by the trustee or debtor-in-possession to assume, reject or assign an executory contract or unexpired lease, must be served on:

- [A] all parties to the lease or contract;
- [B] all parties who hold or claim any interest in the lease or contract;
- [C] the debtor;
- [D] the trustee;
- [E] any committee appointed under the Code;
- [F] any attorney or creditor who has filed an appearance or demand for notice; and
- [G] transmitted to the United States trustee in chapter 11 cases.

(2) If an insider has interests or obligations described in paragraph (b)(2), notice must be given to all parties on the master mailing list.

### **(b) Contents of Notice.**

(1) Notice of the motion must include a brief summary of the significant terms of the contract or lease, and assignment, if any.

(2) Notice of the motion must disclose whether any insider—

- [A] is a party to the lease or contract or has any other interest in the lease or contract;
- [B] has any obligations arising under the lease or contract, whether contingent, liquidated or unliquidated, fixed, or otherwise; and
- [C] the nature of the insider's interests and obligations.

(3) If assumption is desired and the contract or lease is in default, the notice must specify:

- [A] the manner in which the default will be cured;
- [B] compensation for damages provided; and
- [C] adequate assurance of future performance provided.

(c) **Mandatory Discovery Exchange.** Not later than ten (10) days after any objection to the motion to assume, reject or assign an executory contract or unexpired lease is filed, the parties will comply with the requirements of Rule 26(a), Federal Rules of Civil Procedure.

### **Related Provisions:**

11 U.S.C. § 365	Executory Contracts and Unexpired Leases
11 U.S.C. § 1113(d)(1)	Rejection of Collective Bargaining Agreements
FRCP 26	General Provisions Governing Discovery; Duty of Disclosure
FRBP 2002(a)	Twenty-Day Notices to Parties in Interest
FRBP 6006	Assumption, Rejection, and Assignment of Executory Contracts
AK LBR 9013-1	Briefs; Memoranda
AK LBR 9075-1	Hearings; Trials
AK LBF 25-1	Notice of Motion to (Assume/Reject) Executory Contract or Unexpired Lease
AKLBF 25-2	Notice of Motion to Compel (Trustee/Debtor in Possession) to (Assume/Reject) Executory Contract or Lease

### **Rule 6007-1 Abandonment of Property of the Estate**

(a) **Abandonment of Specific Property.** The trustee or any party desiring the trustee or debtor in possession to abandon specific property of the estate must give fifteen (15) days notice to all parties on the master mailing list, unless otherwise ordered by the court.

(b) **Content of Notice.** The notice must include:

- (1) A description of the property or interest involved;
- (2) The fair market value of the property or interest; and
- (3) A description of any encumbrances against the property or interest.

(c) **Unscheduled Property.** Any property not scheduled under § 521(1) of the Code or otherwise administered at the time of the closing of a case is not abandoned to the debtor or administered for purposes of § 350 of the Code.

### **Related Provisions:**

11 U.S.C. § 554	Abandonment of Property of the Estate
FRBP 6007	Abandonment or Disposition of Property
AK LBR 9013-1	Briefs; Memoranda
AK LBR 9075-1	Hearings; Trials

### **Rule 6008-1 Redemption of Property in Chapter 7 Cases**

(a) **General.** Approval of redemption agreements under § 722 of the Code is by motion filed by the debtor and governed by Rule 9103, Federal Rules of Bankruptcy Procedure.

(b) **Motion.** A motion for approval of a redemption agreement must contain the following:

- (1) a complete description of the article to be redeemed;
- (2) have attached—
  - [A] a copy of the security agreement, and
  - [B] evidence of perfection of the security interest, if perfection is required under otherwise applicable law;
- (3) the redemption price;
- (4) [A] fair market value of the property to be redeemed, and  
[B] method by which the fair market value was determined; and
- (5) if the fair market value of the property exceeds the redemption price, a certification that the excess of the fair market value over the redemption price is exempt under § 522 of the Code.

(c) **Service of the Motion.** The motion must be:

- (1) transmitted to the United States trustee; and
- (2) served on—
  - [A] the trustee, and
  - [B] any creditor affected by the redemption.

(d) **Objection.**

(1) An objection to a motion to redeem property must be served and filed not later than twenty (20) days after the motion is transmitted and served as provided in subsection (c).

(2) If an objection is filed, either party may submit a Bankruptcy Court Calendar Request form (AK LBF 7) as provided in AK LBR 9075-1(c).

(3) Except as provided in subsection (e), if no objection is served and filed within the time provided in paragraph (1), the motion will be deemed approved without further order of the court.

(e) **Hearing.**

(1) *Represented Debtor.* Unless otherwise ordered by the court, if the debtor is represented by counsel, in the absence of an objection to the motion, no hearing on the motion is required.

(2) *Unrepresented Debtor*. In a case in which the debtor is not represented by counsel, the party filing the motion must, at the same time the motion is filed, submit a Bankruptcy Court Calendar Request form (AK LBF 7) as provided in AK LBR 9075-1(c).

**Related Provisions:**

11 U.S.C. § 722	Redemption
FRBP 6008	Redemption of Property From Lien or Sale
FRBP 9013	Motions: Form and Service
AK LBR 9013-1	Briefs; Memoranda
AK LBR 9075-1	Hearings; Trials
AK LBF 7	Bankruptcy Court Calendar Request



## PART VII — ADVERSARY PROCEEDINGS

### **Rule 7001-1 Local District Rules Adopted in Adversary Proceedings**

In addition to the rules adopted in Rule 1001-1(f), District Alaska Local Rules 7.1 [except 7.1(f), [i], (j)], 15.1, and 41.1 apply to adversary proceedings under Rule 7001, Federal Rules of Bankruptcy Procedure.

#### **Related Provisions:**

28 U.S.C. § 1930(b)	Fees
FRBP 7001	Scope of Rules of Part VII
FRBP 7004(b)(9)	Service by First Class Mail Upon Debtor
FRBP 7004(f)	Summons: Time Limit for Service
FRBP 7010	Form of Pleadings
FRBP 9025	Security: Proceedings Against Sureties
D.AK LR 7.1	Motion Practice
D.AK LR 15.1	Motions to Amend
D.AK LR 41.1	Dismissal of Actions
AK LBR 1001-1(f)	U.S. District Court Rules Adopted
AK LBR 7003-1	Commencement of Action
AK LBR 7026-1	Discovery and Depositions
AK LBR 9004-2	Form of Pleadings and Other Papers
AK LBR 9015-1	Jury Trials

### **Rule 7003-1 Commencement Of Action**

An adversary complaint must be accompanied by:

- (1) a Bankruptcy Cover Sheet;
- (2) a completed summons for each named defendant; and
- (3) filing fee, if required.

#### **Related Provisions:**

FRBP 7003	Commencement of an Adversary Proceeding
FRBP 7004	Process; Service of Summons, Complaint
AK LBR 5005-4	Electronic Filing
AK LBR 7001-1	Adversary Proceedings
Admin. Form B250A	Summons in an Adversary Proceeding
Admin. Form B250B	Summons and Notice of Pretrial Conference in an Adversary Proceeding
Admin. Form B250C	Summons and Notice of Trial in an Adversary Proceeding
Admin. Form B250D	Third-Party Summons
Admin. Form B250E	Summons to Debtor in Involuntary Case

### **Rule 7005-1 Electronic Service**

#### **(a) Method for Signifying Consent.**

- (1) Consent to service by electronic transmission is given by filing with the court and serving on the adverse party(ies) notice that substantially complies with the appropriate version of AK LBR 32.
- (2) The consent to service by electronic transmission should indicate:
  - [A] the method of electronic service acceptable;
  - [B] whether the party consents to service by facsimile of pleadings and documents in excess of twenty-five (25) pages;

- [C] whether the party will accept service of pleadings by e-mail in a format other than Adobe Acrobat portable document format ("pdf"), and, if so, the alternative format that is acceptable;
- [D] the number of the party's facsimile machine; and
- [E] the party's e-mail address.

**(b) Special Conditions.**

(1) Any pleading, motion, paper or other document that exceeds twenty-five (25) pages in length, including all attachments and exhibits thereto, may not be served by facsimile unless the party to be served has expressly consented to receive documents in excess of twenty-five (25) pages by facsimile.

(2) Consent to service by e-mail constitutes consent to service of pleadings and documents in Adobe Acrobat portable document format ("pdf").

Related Provisions:

F.R.Civ.P. 5	Serving and Filing Pleadings and Other Papers
F.R.B.P. 7005	Serving and Filing Pleadings and Other Papers
F.R.B.P. 9036	Notice by Electronic Transmission
AK LBR 5005-4	Electronic Case Filing
AK LBR 9036-1	Electronic Notices

**Rule 7016-1 Pretrial Procedure**

**(a) Pretrial Conference.** A pretrial conference may be set by the court in a contested matter or adversary proceeding. At the pretrial conference the attorneys for the parties will be prepared to:

- (1) consider those matters specified in Rule 16, Federal Rules of Civil Procedure;
- (2) determine the dates for—
  - [A] closing of witness lists,
  - [B] closing or limiting discovery,
  - [C] settlement conferences,
  - [D] exchanging and filing exhibits, and
  - [E] trial; and

(3) review any materials or reports ordered by the court to be filed in a pretrial or status conference order.

**(b) Appearance by Responsible Attorney.** The attorneys who will be in charge of each party's case must:

- (1) attend personally; and
- (2) be prepared to discuss in detail and in good faith—
  - [A] the issues of fact and law remaining,
  - [B] the evidence to be presented, and
  - [C] the respective positions of the various parties.

**(c) Pretrial or Status Conference Report.**

(1) If the court so orders, the parties will meet and in good faith attempt to file a report indicating the contested and uncontested facts and issues of law.

(2) The parties must meet and discuss the case before the pretrial conference to eliminate the need to litigate uncontested matters.

**(d) Status and Settlement Conferences.**

(1) At the request of any party or on its own motion, the court may order additional status conferences to be held before the court, the law clerk, or a clerk with respect to any adversary proceeding or contested matter.

(2) Settlement conferences may be scheduled when the parties or the court believes it would be productive.

(3) A status or settlement conference may be requested by any party in interest by submitting a Bankruptcy Court Calendar Request form (AK LBF 7) as provided in AK LBR 9075-1(c).

**(e) Notice of Pretrial, Status or Settlement Conference.**

(1) Notice of a pretrial, status or settlement conference must be given to all parties who have appeared in the adversary proceeding not less than fifteen (15) days prior to the conference date.

(2) Unless otherwise ordered by the court,

[A] notice of a status or settlement conference scheduled by the court at the request of a party in interest will be given by the party requesting the status or settlement conference, and

[B] notice of a pretrial, status or settlement conference scheduled by the court on its own motion will be given by the plaintiff(s).

**Related Provisions:**

FRBP 7016	(Adopting FRCP 16) Pretrial Procedure
AK LBR 9075-1(c)	Hearings; Trials
AK LBF 7	Bankruptcy Court Calendar Request

**Rule 7026-1 Discovery And Depositions [Abrogated]**

**Rule 7037-1 Failure to Make Discovery; Sanctions**

**(a) Discovery Motions.**

(1) If a matter arises under Rules 7026 through 7037, inclusive, Federal Rules of Bankruptcy Procedure, and if the matter is opposed, counsel must prepare and file a certificate that they have conferred with respect to the pending matter and enumerate therein the matters remaining for determination by the court.

[A] The court will not consider a motion, objection, order to show cause, petition or similar matter arising under the cited rules until the certificate of compliance is filed.

[B] Counsel for the moving party will arrange for such conferences.

[C] Should opposing counsel fail or refuse to confer with counsel for the moving party when requested to do so, this fact will be reported promptly in writing to the court.

(2) If the motion or other matter is heard and the court finds the motion or opposition thereto to be without substantial justification, or that counsel for any party refused to meet and confer, or having met, refused or failed to confer in good faith, the court may assess costs, including attorney's fees, if appropriate, against the offending party.

**(b) Local District Rules Adopted.** District Alaska Local Rule 37.1 applies to discovery matters.

**Related Provisions:**

FRCP 26 –37	(Discovery Rules)
FRBP 7026 – 7037	(Discovery Rules)
D.Ak. LR 37.1	Failure to Make Disclosure or Cooperate in Discovery; Sanctions

**Rule 7041-1 Dismissal of Discharge Actions**

**(a) Required Information.** Unless it is contained in the stipulation or settlement agreement, a stipulation or request by the plaintiff to dismiss a complaint brought to bar discharge of a debtor must be accompanied by a separate statement, signed by counsel (or by the party if not represented by counsel) for all parties to the stipulation or settlement agreement, setting forth:

(1) any consideration, monetary or otherwise, to be received by the plaintiff;

- (2) the basis and source of that consideration; or
- (3) that the plaintiff is not to receive any consideration.

**(b) Notice.**

(1) Notice of the stipulation or settlement must contain a clear and concise statement of the consideration, if any, to be received by the plaintiff.

(2) In addition to the persons specified in Rule 7041, Federal Rules of Bankruptcy Procedure, notice of the stipulated dismissal must be given to:

[A] any party in interest having filed a special request for notice; and

[B] (i) any creditor having filed a proof of claim, or

(ii) in a case in which no claims are to be filed, the five (5) largest unsecured creditors other than those creditors whose claims are nondischargeable under § 523 of the Code.

**(c) Opposition.**

(1) A party in interest opposing dismissal of the § 727 complaint may file a written opposition thereto within twenty (20) days of the date the notice is served and:

[A] serve a copy on—

(i) the parties to the adversary action, and

(ii) the case trustee; and

[B] transmit a copy to the United States trustee.

(2) Any opposition to the dismissal must set forth:

[A] specifically the basis for the objection;

[B] any terms or conditions the objecting party requests be imposed on the dismissal; and

[C] a statement of whether or not the objecting party is agreeable to substituting as party plaintiff in the action.

**(d) Hearing.**

(1) In any case in which the plaintiff is to receive consideration in any form in exchange for dismissal, unless the court, for cause, otherwise orders, a hearing must be held before a discharge action is dismissed by stipulation or agreement of the parties, even if no objection is filed in response to the notice.

(2) [A] In any case where the plaintiff is not to receive consideration in any form in exchange for the dismissal, the court may deny, grant, or impose terms and conditions on dismissal of the action without a hearing.

[B] If an objection or opposition to dismissal is timely filed, ordinarily the court will not grant dismissal without a hearing.

**Related Provisions:**

11 USC § 523                      Exceptions to Discharge

11 USC § 727                      Discharge

FRBP 7041                        Dismissal of Adversary Proceedings

AK LBR 9075-1                  Hearings; Trials

AK LBF 7                         Bankruptcy Court Calendar Request

AK LBF 17                        Notice of Application for Approval of Stipulation or Settlement Agreement

AK LBF 24                        Notice of Hearing

**Rule 7056-1 Summary Judgment**

A party opposing a motion for summary judgment must serve and file simultaneously with the brief in opposition to the motion a statement of genuine issues setting forth clearly, concisely, completely and candidly those issues of material fact that must be tried.

**Related Provisions:**

FRCP 56	Summary Judgment
FRBP 7056	Summary Judgment
AK LBR 9013-1	Briefs, Memoranda

## PART VIII — APPEALS TO DISTRICT COURT OR BANKRUPTCY APPELLATE PANEL

### Rule 8001-1 Appeals

(a) **Bankruptcy Appellate Panel.** Unless otherwise provided by statute or the Federal Rules of Bankruptcy Procedure, appeals from the United States Bankruptcy Court for the District of Alaska will be heard by the Bankruptcy Appellate Panel of the Ninth Circuit.

(b) **District Court.**

(1) Unless otherwise specifically provided in these rules, the provisions of Part VIII (Rule 8001, *et seq*), Federal Rules of Bankruptcy Procedure, apply to appeals from the U.S. Bankruptcy Court heard by the U.S. District Court for the District of Alaska.

(2) In the event of any conflict between these Rules and the Federal Rules of Bankruptcy Procedure, the Federal Rules of Bankruptcy Procedure prevail.

#### **Related Provisions:**

28 U.S.C. § 158	Appeals
FRBP, Part VIII	Appeals to District Court or Bankruptcy Appellate Panel
FRBP 8001	Manner of Taking Appeal; Voluntary Dismissal
Official Form 17	Notice of Appeal
Rules of the United States Bankruptcy Appellate Panel of the Ninth Circuit	

### Rule 8009-1 Extension of Time to File Briefs

(a) **By Stipulation.** The parties may, by written stipulation filed with the court, extend the time for filing any brief for a period not to exceed fifteen (15) days, which stipulation does not require approval by the court.

(b) **By Motion.**

(1) A party requesting an extension of time within which to file a brief, other than as provided in subdivision (a), must do so by motion.

(2) A motion to extend the time for filing a brief must be served and filed on or before the date the brief is due.

(3) The moving party must set forth in the motion:

(A) that the moving party has conferred with the other party(ies) to the appeal and advise the court whether the motion is opposed or unopposed;

(B) the date the brief is due;

(C) whether any other extensions have been granted;

(D) the reason(s) the extension is requested; and

(E) the amount of time requested.

(4) A party opposing the motion for an extension may serve and file a written opposition within three (3) days after the motion is served.

#### **Related Provisions:**

FRBP 8009	Briefs and Appendix; Filing and Service
FRBP 9006	Time
AK LBR 8009-2	Failure to Timely File Briefs

### Rule 8009-2 Failure to Timely File Briefs

(a) **Leave to File Late Brief.**

(1) A brief may be filed after the time for filing a brief, including any extensions of time for filing, has lapsed only by leave of the court.

(2) Leave of court must be obtained by motion and, unless otherwise ordered by the court, no opposition to the motion may be served and filed.

(3) The moving party must set forth in the motion:

(A) that the moving party has conferred with the other party(ies) to the appeal and must advise the court whether the motion is opposed or unopposed;

(B) the date the brief was due;

(C) whether any extensions were given to file the brief; and

(4) The motion must be accompanied by:

(A) an affidavit or declaration under penalty of perjury stating the reason for seeking leave to file the brief late; and

(B) a copy of the brief proposed to be filed.

(b) **Failure by Appellant to File Brief.** In the event the appellant fails to file appellant's principal brief by the time the principal brief is due, including any extensions of time for filing, the clerk will issue a notice that unless, within seven (7) days after notice is sent, the brief, together with a motion under subsection (a) is filed, or good cause for the failure to file the brief be shown, the clerk will enter an order dismissing the appeal.

(c) **Failure By Appellee to File Brief.** Failure by an appellee to file appellee's principal brief may be deemed by the court as an admission that the appeal is well-taken.

**Related Provisions:**

AK LBR 8009-1      Extension of Time to File Briefs

**Rule 8010-1 Form of Briefs; Length**

**(a) Form of Briefs.**

(1) Briefs must conform to Rule 8010, Federal Rules of Bankruptcy Procedure and D.Ak LR 10.1(a).

(2) References to the record on appeal must be made to:

(A) the docket entry number and page of the pleading; or

(B) the volume and page of the transcript of any oral proceedings.

**(b) Request to File Overlength Brief.**

(1) A request to file an overlength brief must be made by motion not later than the date the brief is due and set forth with particularity the reason(s) it is necessary to file an overlength brief.

(2) Unless otherwise ordered by the court, no opposition to a motion to file an overlength brief may be filed.

(3) A motion to file an overlength brief extends the time to file the brief for the time the motion is pending before the district judge plus five (5) days after the motion is granted or denied.

(4) A motion to file an overlength brief not acted upon by the district judge within ten (10) days after the date the motion is filed will be deemed denied and the brief conforming to the rules must be filed within five (5) days thereafter.

**Related Provisions:**

FRBP 8009	Briefs and Appendix; Filing and Service
FRBP 8010	Form of Briefs; Length
D.Ak LR 10.1	Form of Pleadings and Other Papers

## **Rule 8012-1 Oral Argument**

### **(a) Setting of Oral Argument.**

(1) Unless the court determines oral argument is not needed, the court will set the matter for oral argument on not less than twenty-five (25) days notice to the parties.

(2) In the event the court deems oral argument is not needed, the court will give the parties notice of the determination and, unless a request for oral argument is made under subdivision (b) and granted by the court, the matter will be submitted on the briefs without oral argument.

(b) **Request for Oral Argument.** Any party desiring oral argument on all, or any part of, the issues presented on appeal must, within ten (10) days of the date notice is given under paragraph (a)(2), serve and file a request for oral argument, specifying the reason(s) oral argument is deemed necessary.

### **Related Provisions:**

FRBP 8012                      Oral Argument

## **Rule 8015-1 Motion for Rehearing**

(a) **Length of Brief.** A Motion for Rehearing under Rule 8015, Federal Rules of Bankruptcy Procedure, or any opposition or answer thereto, may not exceed fifteen (15) pages in length and must otherwise conform to the requirements of AK LBR 8010-1(a).

(b) **Opposition.** No opposition or answer to a Motion for Rehearing may be filed unless ordered by the court.

### **Related Provisions:**

FRAP 40	Petition for Rehearing
FRBP 8015	Motion for Rehearing
D.Ak. LR 10.1	Form of Pleadings and Other Papers
AK LBR 8010-1	Form of Briefs, Length

## **Rule 8017-1 Stay Pending Appeal to Court of Appeals**

### **(a) Motion.**

(1) A party filing a motion for stay pending further appeal to the court of appeals must set forth in the motion:

(A) the date that the notice of appeal to court of appeals was filed or is expected to be filed;

(B) whether a stay pending appeal to the district court was requested and the ruling thereon;

(C) that the moving party has conferred with the other party(ies) to the appeal and advise the court whether the stay is opposed or unopposed;

(D) with particularity the irreparable injury or harm that will result to the moving party in the event the stay is not granted;

(E) any known or anticipated harm or injury to any other party to the appeal or the public interest; and

(F) the moving party's suggestion regarding any condition, bond or security to be imposed as a condition of granting a stay.

(2) Any evidentiary matter referred to in the motion that is not a matter of record must be presented by affidavit or declaration under penalty of perjury.

### **(b) Opposition to Motion for Stay.**

(1) A party opposing the motion for a stay pending further appeal may file a written opposition to the motion within seven (7) days after the date of service of the motion.



- (2) The opposition to a motion for stay must set forth:
- (A) with particularity the reasons for the opposition; and
  - (B) the opposing party's suggestion of any conditions, bond or security to be imposed as a condition of granting a stay.
- (c) **Hearing.** Unless otherwise ordered by the court, a motion for a stay pending further appeal to the court of appeals will be submitted for decision without oral argument.

Related Provisions:

FRAP 8	Stay or Injunction Pending Appeal
FRBP 7062	Stay of Proceedings to Enforce a Judgment
FRBP 8017	Stay of Judgment of District Court or Bankruptcy Appellate Panel
FRBP 9006	Time
D.Ak. LR 10.1	Form of Pleadings and Other Papers

**Rule 8018-1 Local District Court Rules Adopted**

To the extent not inconsistent with the Federal Rules of Bankruptcy Procedure and these rules, the Local Rules for the United States District Court for the District of Alaska apply to bankruptcy appeals to this court.

Related Provisions:

FRBP 8018	Rules by Circuit Councils and District Courts; Procedure When There is No Controlling Law
D.Ak LR 1.1	Scope and Purpose of the Rules
D.Ak LR 1.3	Sanctions
D.Ak LR 3.3	Venue and Place of Trial
D.Ak LR 5.1	Filing and Proof of Service When Service is Required by Rule 5, Federal Rules of Civil Procedure
D.Ak LR 5.5	Service on Parties by the Court
D.Ak LR 7.1	Motion Practice
D.Ak LR 7.3	Telephonic Participation in Civil Cases
D.Ak LR 7.4	Proposed Orders
D.Ak LR 10.1	Form of Pleadings and Other Papers
D.Ak LR 39.5	Courtroom Conduct
D.Ak LR 40.1	Judicial Assignments
D.Ak LR 40.2	Notice of Related Cases
D.Ak LR 80.1	Record of Proceedings
D.Ak LR 82.1	Photographs, Video or Audio Recorders, Broadcasts Prohibited
D.Ak LR 83.1	Attorneys
D.Ak LR 83.2	Student Practice Rule

## PART IX — GENERAL PROVISIONS

### Rule 9001-1 Meaning of Words and Phrases

(a) **General.** The definition and construction of words and phrases in the Bankruptcy Code and Federal Rules of Bankruptcy Procedure govern the use of those words and phrases in these rules.

(b) **"Business Days" and "Manager."**

(1) "Business days" means days that the clerk's office is normally open.

(2) "Manager" when used in conjunction with a limited liability company includes any member of a member managed limited liability company.

(c) **"Conventional Filing."** As used in these rules, the term "conventional filing" means the physical filing of the paper original of a pleading or other document by delivery to the Clerk of the Court.

(d) **"CM/ECF System."** As used in these rules, the term "CM/ECF System" means the Case Management and Electronic Case Management System established and maintained by the Clerk of the Court.

#### Related Provisions:

11 U.S.C. § 101	Definitions
11 U.S.C. § 102	Rules of Construction
11 U.S.C. § 1101	Chapter 11 Definitions
11 U.S.C. § 741	Definitions of Stockbroker Liquidation
FRBP 1001	Scope of Rules
FRBP 9001	General Definitions
FRBP 9002	Meaning of Words in Federal Rules of Bankruptcy Procedure
FRBP 9006	Time
AK LBR 5003-2	Court Records
AK LBR 5005-4	Electronic Case Filing

### Rule 9003-1 Reminders to Court

(1) In the event a Judge has under advisement any matter, including, but not limited to, a motion or decision in a bench trial, for a period of more than sixty (60) days, each party affected by the undecided matter should send to the judge a letter particularly describing the matter under advisement and stating the date the matter was taken under advisement.

(2) As long as the matter remains under advisement, at intervals of forty-five (45) days thereafter, each affected party should send a similar letter to the judge.

#### Related Provisions:

FRBP 9003	Prohibition of <i>Ex Parte</i> Contacts
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### Rule 9004-1 Form of Pleadings and Other Papers

(a) **Form in General.** Except as otherwise provided in these rules, all documents, including exhibits, other than forms prescribed elsewhere, presented for filing with the clerk or intended for use of the judge must:

(1) be upon letter size (8½ inches X 11 inches) white paper of good quality, reasonably opaque and not onionskin;

(2) have a margin of not less than one inch (1") on all four sides of each page;

(3) if filed conventionally, be two-hole punched at the center of the top of each page;

(4) be either in original clear and legible typewriting, or in clear and legible printing;

(5) be in either double-spaced or one-and-one-half-spaced typewriting or printing, except that quotations exceeding fifty (50) words are to be single-spaced and indented;

(6) if consisting of more than one page, have each consecutive page numbered at the bottom of each page;

(7) be printed or written upon only one side of the paper;

(8) utilize twelve (12) point or ten (10) pitch type; and

(9) each pleading filed as a separate document and, if filed conventionally, all pages of each document securely clipped but not stapled together.

**(b) Notices.**

(1) Notices served upon creditors and parties in interest may be doubled-sided and single-spaced to conserve paper.

(2) Original notices filed with the court must be single-sided.

**(c) Information to be Placed on First Page.** The first page of each document must be prepared as follows:

(1) [A] The name, address, telephone number and facsimile/telecopier number of the attorney appearing for a party to an action or proceeding and the name of the party, or of a person appearing without an attorney, typewritten or printed in the space to the left of center of the paper and beginning at least one inch (1") below the top edge.

[B] Following the name, address and telephone number, indicate the party represented, e.g., Attorney for Creditor John Doe, Attorney for Trustee, as appropriate.

(2) The title of the court is to be centered on the paper and commence not less than one-half (½) inch below the name, address and telephone number of the attorney or person appearing without an attorney.

(3) [A] A space not less than two (2) inches in length above the title of the court and to the right of center on the page to be reserved for the filing marks of the clerk.

[B] The file number of the action or proceeding is to be placed below this space.

[C] For a main case filing, the main case number only is placed in this space; for an adversary filing, the adversary number is placed in this space (see Official Form 16C).

(4) The title of the action or proceeding is inserted below the title of the court in the space to the left of the center of the paper.

(5) A brief designation of the nature of the document and the relief sought, if any, is to be placed below the title of the court and file number, and either centered or to the right of center of the page; and

(6) Names are to be typed or printed beneath signatures on all documents.

**(d) Reference to Other Parts of Pleading.**

(1)[A] In any action brought upon or any proceeding involving serial notes, bonds, coupons, or obligations for the payment of money that are of the same form, tenor and effect, and are issued under the same law, or by the same authority, and differing only in number, date of maturity or amount, it will be sufficient for the plaintiff to set forth, in one claim of the complaint, one note, bond, coupon, or obligation, either verbatim or according to legal effect.

[B] The remaining notes, bonds, coupons or obligations may be pleaded, in the same or another claim of the complaint, by a general reference or description sufficient to identify them with like effect as if they had been set forth verbatim.

(2)[A] A similar practice may be followed in any pleading where any two or more documents of similar form, tenor or effect are set forth.

[B] Any similar document referred to in any pleading may be set forth either in the body of the pleading or in an exhibit attached thereto.

**(e) Exclusion of Personal Identifying Data.** [Abrogated. See AK LBR 9037-1]

**Related Provisions:**

11 U.S.C. § 342	Notice
FRBP 1005	Caption of Petition
FRBP 1007	Lists, Schedules, and Statements; Time Limits

**Rule 9006-1 Motion to Shorten Time**

A motion for shortened time must conform to Rule 9006(c), Federal Rules of Bankruptcy Procedure, and the party making the motion must serve the motion on all parties affected by the motion, and such other parties as the court may direct.

**Related Provisions:**

Rule 9006	Time
LBR 9013-1	Briefs; Memoranda

**Rule 9009-1 Local Forms**

(1) The local bankruptcy forms contained in the appendix to these rules should be observed and used with alterations as may be appropriate.

(2) Forms may be rearranged to permit economies in their use.

(3) All local bankruptcy forms will be construed to be consistent with the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, and these rules.

**Related Provisions:**

FRBP 9009	Forms
Appendix	Local Bankruptcy Forms

**Rule 9010-1 Appearances****(a) Appearances.**

(1) [A] The filing of any document in a bankruptcy case or adversary proceeding constitutes an appearance by the attorney who signs the document, but

[B] an attorney who wishes the appearance noted on the docket and the matrix must separately file an entry of appearance.

(2) Whenever a party is represented by counsel, the party may not appear or act on his, her, or its own behalf.

(3) When a party is not an individual:

[A] A debtor who is not an individual must be represented by an attorney; and

[B] A party, other than a debtor, that is not an individual will not be allowed to represent itself except:

(i) with respect to contested matters where its claim or interest does not exceed the jurisdictional limit on small claims actions brought in the Alaska Court System,

(ii) for the purpose of executing a proof of claim in a bankruptcy case, or

(iii) at the meeting of creditors held under § 341 of the Code.

(4) [A] In a case to which subparagraph (3)[B] applies, the corporation, partnership, limited liability company, or unincorporated association may appear through a corporate officer, general partner, manager of a limited liability company, association officer, or a designated employee.

[B] If the representative is not a corporate officer, general partner, manager of a limited liability company, or association officer, the designated employee representative must file with the court prior to participation written authorization signed by a corporate officer, general

partner, manager of a limited liability company, or association officer designating such person as the representative and acknowledging that the corporation, partnership, limited liability company, or unincorporated association will be bound by the actions of the designated employee.

**(b) Limited Appearance By Counsel in Adversary Proceedings and Contested Matters.** A party in an adversary proceeding or contested matter may appear through an attorney for limited purposes during the course of an action, including, but not limited to, depositions, hearings, discovery, and motion practice, if the following conditions are satisfied:

(1) The attorney files and serves an entry of appearance with the court before or during the initial action or proceeding that expressly states that the appearance is limited, and all parties of record are served with the limited entry of appearance; and

(2) The entry of appearance specifically identifies the limitation by date, time period, or subject matter.

**(c) Limited Appearance by Debtor's Counsel in Individual Cases.**

(1) An attorney appearing for an individual debtor in a case under chapter 7 of the Code:

[A] is conclusively presumed to have entered an appearance as counsel for the debtor in all matters or proceedings in the case, except—

[i] adversary proceedings, whether or not initiated in connection with the case, and

[ii] those matters and proceedings specifically designated as excluded on the statement filed under § 329 of the Code and Rule 2016(b), Federal Rules of Bankruptcy Procedure; and

[B] the attorney filing the petition and/or the schedules may not exclude from representation appearance at the meeting of creditors held under § 341 of the Code and all continuances thereof until the meeting is concluded.

(2) An attorney who provides counsel or assistance to an individual debtor in the preparation of the schedules and statements required under § 521(a) of the Code and Rule 1007(b), Federal Rules of Bankruptcy Procedure, or a plan under § 1221 or § 1321 of the Code, must enter an appearance as counsel for the debtor and comply with § 329 of the Code and Rule 2016(b) before or at the time the schedules and statements, or plan, are filed by the debtor.

(3) Except as otherwise provided in this subsection, an attorney may provide limited representation of a debtor under subsection (b).

**(d) Withdrawal by Attorney.**

(1) Except as provided in paragraph (d)(5), an attorney who wishes to withdraw must file a motion, which motion must set forth:

[A] the reason(s) for the request;

[B] the names and last known addresses and telephone numbers of the persons represented by the withdrawing attorney; and

[C] any significant events that are set, *e.g.*, a trial or pretrial conference, hearings, *etc.*, and the date and time of the events.

(2) A notice of the motion to withdraw must be given, which must include:

[A] the names and last known addresses and telephone numbers of the persons represented by the withdrawing attorney;

[B] the date when the attorney intends to withdraw, not less than twenty (20) days after the service of the notice; and

(C) a statement that an order permitting the withdrawal may be entered unless an objection to the withdrawal is filed within the time set forth in the notice.

(3) Notice must be given to the following:

[A] In the case of an attorney for debtor, trustee, or debtor in possession—all those listed on the master mailing list.

[B] In the case of an attorney representing a party to an adversary proceeding or contested matter—

- (i) the attorney's client, and
- (ii) all other parties to the adversary proceeding or contested matter; and

[C] In the case of all other attorneys —

- (i) the attorney's client,
- (ii) the debtor or debtor in possession,
- (iv) any trustee, and
- (v) transmit a copy to the United States trustee.

[D] The client may be served at the client's last known address, but service upon the client is unnecessary if the client's written consent to withdraw has been filed.

(4)[A] If an attorney for a non-individual debtor withdraws, the debtor or debtor in possession must obtain new counsel in order to proceed with the case.

[B] The court may refuse to permit withdrawal of an attorney or may provide that the case will be dismissed if a new attorney does not appear within fifteen (15) days of the withdrawal.

(5) [A] An attorney may withdraw without further leave of court in accordance with the limitations set forth in any limited entry of appearance filed in accordance with subsection (b) or limitation enumerated as provided in subsection (c).

[B] Withdrawal under this paragraph is accomplished by filing a notice with the court, served as provided in paragraph (d)(3), stating that:

- [i] the attorney's limited representation has concluded;
- [ii] certifying that the attorney has taken all actions necessitated by the limited representation; and
- [iii] providing a current service address and telephone number of the represented party.

[C] Upon the filing of the notice prescribed herein, the withdrawal will be effective without further court action or approval.

(e) **Substitution of Attorneys.** Substitution of attorneys is accomplished by the filing of a document that must include the effective date of substitution.

(1) The document must be:

- [A] signed by both attorneys; or
- [B] signed by the new attorney and the client with notice to the original attorney.

(2) Court approval of substitution of attorneys is required only where a provision of the Bankruptcy Code or Federal Rules of Bankruptcy Procedure requires approval of the employment of an attorney in the first instance.

(3) Notice of substitution must be filed and served on the parties set forth in paragraph (d)(3).

(f) **New Attorneys.** If the original attorney dies, withdraws without substitution, or otherwise ceases to act, notice of the retention of a new attorney must be filed and served on the parties set forth in paragraph (d)(3).

#### **Related Provisions:**

11 U.S.C. § 105	Power of the Court
11 U.S.C. § 329	Debtor's Transactions with Attorneys
11 U.S.C. § 341	Meetings of Creditors and Equity Security Holders
11 U.S.C. § 526	Restrictions on debt relief agencies
11 U.S.C. § 527	Disclosures
11 U.S.C. § 707	Dismissal or conversion to a case under chapter 11 or 13

28 U.S.C. § 1927	Counsel's Liability for Excessive Costs
ARPC 1.2	Scope of Representation
FRBP 2016	Compensation for Services Rendered and Reimbursement of Expenses
FRBP 9011	Signing and Verification of Papers
AK LBR 9011-3	Sanctions

### **Rule 9011-3 Sanctions**

#### **(a) Motions under § 707(b)(4).**

(1) A motion brought under § 707(b)(4) of the Code must:

[A] be served and filed no later than fifteen (15) days after the order dismissing the case is entered, unless the court, for cause extends the time; and

[B] set forth with specificity and detail the basis for the motion.

(2) Any opposition to the motion is to be filed not later than ten (10) days after the motion is served.

(3) The moving party may file a reply five (5) days after the opposition to the motion is served and filed.

#### **(b) Motions under § 707(b)(5).**

(1) A motion brought under § 707(b)(5) of the Code must—

[A] be served and filed no later than twenty (20) days after the order denying the motion to dismiss is entered, unless the court extends the time for cause, and

[B] set forth with specificity and detail the basis for the motion.

(2) Any opposition to the motion is to be filed not later than fifteen (15) days after the motion is served.

(3) The moving party may file a reply five (5) days after the opposition to the motion is served and filed.

#### Related Provisions:

11 U.S.C. § 707	Dismissal of a case or conversion to a case under chapter 11 or 13
FRBP 9011	Signing of Papers; Representations to the Court; Sanctions; Verification and Copies of Papers

### **Rule 9013-1 Briefs; Memoranda**

**(a) In Support of Motion or Application.** A motion or other application governed by Rule 9014, Federal Rules of Bankruptcy Procedure must be accompanied by:

(1) Legible copies of all documentary evidence that the moving party intends to submit in support of the motion or application; and

(2) A clear, concise, complete and candid written statement of the reasons in support thereof, together with an adequate brief of the points and authorities upon which the moving party relies.

**(b) Opposition to Motion or Application.** Unless another time is specified in the Notice of Motion, the Federal Rules of Bankruptcy Procedure or these rules, each party opposing a motion or other application must, within twenty (20) days of service of the motion or other application upon that party serve and file:

(1) legible copies of all documentary evidence upon which the party intends to rely; and

(2) a clear, concise, complete and candid written statement of the reasons in opposition thereto and an adequate opposing brief of points and authorities.

**(c) Reply by Moving Party.** If desired, the moving party, within seven (7) days after the service of the opposition to the motion or other application by the opposing party, may serve and file a reply brief.

(d) **Failure to File Briefs.** Failure to file briefs within the time prescribed (or within any extension granted by the court or stipulated to by the parties) will subject the motion or application to summary ruling by the court.

(1) Failure to file a brief by the moving party may be deemed an admission that, in the opinion of counsel, the motion or application is without merit.

(2) Failure to file a brief by the adverse party may be deemed an admission that, in the opinion of counsel, the motion or application is well taken.

(e) **Stipulations Extending Time.** The parties may stipulate, in writing filed with the court, for different times for filing any opposition or reply to the opposition.

(1) Any stipulation for an extension of time as provided in this subdivision for a period of ten (10) days or less, does not require express approval by the court.

(2) Any stipulation for an extension of time to file an opposition or reply in excess of ten (10) days requires court approval.

(f) **Affidavits/Exhibits.**

(1) Unless otherwise ordered by the court, if a motion or opposition is supported by affidavit, the affidavits must be served with the motion.

(2) If exhibits to a motion or opposition are lengthy, the moving or opposing party may file only the relevant excerpts of the exhibits, without prejudice to the right of any party to file additional excerpts or the complete exhibit with the court at any time.

#### **Related Provisions:**

FRBP 9006	Time
FRBP 9014	Contested Matters
AK LBR 5005-2	Number of Copies
AK LBR 5005-4	Electronic Filing
AK LBR 7026-1	Discovery and Depositions
AK LBR 9004-2	Form of Pleadings and Other Papers
AK LBR 9075-1	Hearings; Trials

#### **Rule 9013-2 Motion Practice**

(a) **Ex Parte Motions.**

(1) All *ex parte* motions must:

[A] be served on all parties affected by the motion, or the party's representative, at or before the time the motion is filed with the court, or contain a statement as to why it should not be so served;

[B] contain a statement of the authority for the court to grant the motion without notice and hearing;

[C] if applicable, contain a statement of whether the moving party has conferred with the party(ies) affected by the motion and whether or not the motion is opposed; and

[D] be accompanied by a proposed order.

(2) The court may, in its discretion, require a hearing, which may be telephonic sitting in chambers, before ruling on the motion.

(b) **Non-noticed Motions.** In all matters in which a separate notice stating the last day by which a response is required is not otherwise given under these rules or the Federal Rules of Bankruptcy Procedure, the body of the motion must contain a statement of the last day to respond under applicable rule, in substantially the following form:



“NOTICE: If you oppose this motion, you must file a written opposition with the Clerk of the Bankruptcy Court, 605 West Fourth Avenue, Room 138, Anchorage, Alaska 99501-2296 and serve a copy on the undersigned on or before (insert date).”

**Related Provisions:**

AK LBR 9013-1            Briefs; Memoranda

**Rule 9013-3 Motions Under 11 U.S.C. § 110(i)**

**(a) Motion.**

(1) A matter brought by a debtor, trustee, or creditor against a bankruptcy petition preparer under 11 U.S.C. § 110(i) is commenced by filing a motion with the Clerk of the Bankruptcy Court.

(2) The motion must specify:

[A] Those provisions of § 110 alleged to have been violated;

[B] The acts alleged to be fraudulent, unfair, or deceptive; and

[C] The damages claimed.

(3) A motion brought under this rule is a contested matter governed by Rule 9014, Federal Rules of Bankruptcy Procedure.

(4) The motion filed with the Clerk of the Bankruptcy Court will be deemed filed in the district court for the award of the damages claimed upon certification as provided in subsection (d).

(b) **Response.** Unless otherwise ordered by the court, the bankruptcy petition preparer against whom the matter is brought must serve and file a response within twenty-five (25) days after the motion is served and filed.

**(c) Denial by Bankruptcy Court.**

(1) The bankruptcy court must deny the motion if the bankruptcy court finds that:

[A] Section 110(i) is not applicable; or

[B] There is insufficient factual basis to support a finding that the bankruptcy petition preparer committed any act proscribed by § 110(i).

(2) Denial of the motion under this subsection constitutes a final order.

**Related Provisions:**

11 U.S.C. § 110	Penalty for persons who negligently or fraudulently prepare bankruptcy petitions
FRBP 9014	Contested Matters
FRBP 9033	Review of Proposed Findings of Fact and Conclusions of Law in Non-Core Proceedings
D.Ak. LR 7.2	Hearings
D.Ak. LR 54.1	Award of Attorney’s Fees
AK LBR 9013-2	Motion Practice

**Rule 9014-1 Service and Filing of Pleadings and Documents in Contested Matters**

(a) **Electronic.** AK LBR 7005-1 applies in contested matters.

(b) **Discovery Documents.** Unless otherwise ordered by the court, disclosures under F.R.Civ.P 26(a), depositions, interrogatories, requests for production, and requests for admission are not to be filed with the court until used in the proceeding.

**Related Provisions:**

FRCP 5	Serving and Filing Pleadings and Other Papers
FRCP 26–36	Depositions and Discovery

FRBP 7005	Service and Filing of Pleadings and Other Papers
FRBP 9014	Contested Matters
AK LBR 7005-1	Electronic Service

### **Rule 9015-1 Jury Trials — Bankruptcy Court**

(a) *[Abrogated]*

(b) **Applicability of Certain Local U.S. District Court Rules.** District of Alaska Local Rules 47.1 and 51.1 apply when a jury trial is demanded.

(c) **Consent to Jury Trial Before Bankruptcy Judge.**

(1) The statement of consent to have a jury trial by a bankruptcy judge under Rule 9015, Federal Rules of Bankruptcy Procedure, must be filed not later than sixty (60) days after the demand or the last answer is filed, whichever is later.

(2) Consent to the entry of final orders or judgments made under Rules 7008(a) and 7012(b), Federal Rules of Bankruptcy Procedure, will be deemed a consent to have a jury trial conducted by a bankruptcy judge under 28 U.S.C. § 157(e).

(3) The filing of a consent to a jury trial being conducted by the bankruptcy court under Rule 9015, Federal Rules of Bankruptcy Procedure, will be deemed to revoke any earlier nonconsent to the jurisdiction of the bankruptcy court made under Rules 7008(a) or 7012(b), Federal Rules of Bankruptcy Procedure, and as consent to the jurisdiction of the bankruptcy court under 28 U.S.C. § 157(c)(2).

#### **Related Provisions:**

28 U.S.C. § 157(e)	Procedures
28 U.S.C. § 1411	Jury Trials
FRCP 38	Jury Trial of Right
FRCP 39	Trial by Jury or by the Court
FRCP 47	Selection of Jurors
FRCP 48	Number of Jurors — Participation in Verdict
FRCP 49	Special Verdicts and Interrogatories
FRCP 50	Judgment as a Matter of Law in Actions Tried by Jury; Alternative Motion for New Trial; Conditional Rulings
FRCP 51	Instructions to Jury: Objection
FRCP 81(c)	Removed Actions
FRBP 7005	Service and Filing of Pleadings and Other Papers
FRBP 9015	Jury Trials
D.AK LR 47.1	Voir Dire
D.AK LR 51.1	Instructions to Jury
AK LBR 5001-2	Clerk's Office Location and Hours
AK LBR 9075-1	Hearings; Trials

### **Rule 9015-2 District Court Jury Trials — Pretrial Procedures**

(a) **Core Proceedings.** In any core proceeding as defined in 28 U.S.C. § 157(b)(2), if no timely consent to have a jury trial conducted by a bankruptcy judge is made under LBR 9015-1(c), or any party files a notice of nonconsent, the proceeding will not be transferred to the district court except upon the granting of a motion to withdraw the reference under Rule 5011, Federal Rules of Bankruptcy Procedure or as provided in subsection (d).

(b) **Non-Core Proceedings** In any proceeding that is not a core proceeding as defined in 28 U.S.C. § 157(b) where the parties have not consented to the entry of final orders under 28 U.S.C.

§ 157(c)(2) or (e), unless the reference is withdrawn or as otherwise ordered by the district court, on its own motion or on the motion of any party, all pretrial matters remain referred to the bankruptcy court for hearing and determination as provided in AK LBR 9033-1.

**(c) Status Report to District Court**

(1) Unless otherwise ordered by the district court, not later than one hundred twenty (120) days after the last responsive pleading is filed, the parties must prepare and lodge with the bankruptcy court a joint status report, setting forth:

[A] that the matter is ready for trial or the date by which the parties expect to be ready for trial;

[B] the current status of discovery and, if discovery has not been completed, the date by which it is expected discovery will be completed;

[C] the current status of any pending motions; and

[D] any motions expected to be filed and the date by which such motions are to be filed.

(2) Within ten (10) days after the status report is lodged, the bankruptcy court will, by endorsement thereon, indicate either:

[A] all matters submitted for determination have been determined by the bankruptcy court;

or

[B] the date by which all matters under submission are expected to be determined.

(3) Upon entry of the endorsement by the bankruptcy court, the clerk of the bankruptcy court will forthwith transmit the status report to the clerk of the district court.

**(d) Certificate of Readiness for Trial and Transfer to District Court.**

(1) Unless the reference has been earlier withdrawn, when all pre-trial matters have been completed and the proceeding is ready for trial, the bankruptcy court will certify that fact to the district court in writing.

(2) Upon certification of readiness for trial by the bankruptcy court, the clerk of the bankruptcy court will forthwith transmit the certificate of readiness together with the proceeding files to the clerk of the district court.

**Related Provisions:**

28 U.S.C. § 157	Procedures
FRBP 7008	General Rules of Pleading
FRBP 7012	Defenses and Objections—When and How Presented—By Pleading or Motion—Motion for Judgment on the Pleadings
FRBP 9033	Review of Proposed Findings of Fact and Conclusions of Law in Non-Core Proceedings
AK LBR 9015-1	Jury Trials
AK LBR 9033-1	Non-Core Proceedings

**Rule 9021-1 Orders, Findings, Conclusions, Judgments**

**(a) Time for Submission; Prohibition Against Premature Submission.** When dealing with motions, no order or findings should be submitted until after the court has ruled, unless the time for opposition has passed and either:

(1) no opposition has been filed and served;

(2) neither party has asked for a hearing on the opposed matter and ten (10) days have passed after the date objections were due to be filed; or

(3) the order is submitted in conjunction with an *ex parte* motion.

(4) In instances where no opposition has been filed or where neither party has requested a hearing, it is the responsibility of the moving party to submit an appropriate order or findings for the court's consideration no later than fifteen (15) days after the date objections were due to be filed.

**(b) Form and Content.**

(1) All orders, findings of fact and conclusions of law, judgments, and decrees, unless otherwise directed by the court are required to be in writing, and, when not entered by the clerk as provided in Rule 58, Federal Rules of Civil Procedure, will be prepared by the attorney obtaining the order, judgment or decree, or the attorney representing the prevailing party.

(2) Every judgment or order, including stipulated matters, must be set forth on a separate document from the motion or other request for the order, and must set forth with particularity the terms of the order.

(3) Unless otherwise ordered, the prevailing party will submit a judgment following entry of any dispositive order.

(4) When ordered by the court:

[A] proposed findings of fact must list the name of the witness and/or the number of the exhibit supporting the finding; and

[B] proposed conclusions of law must cite legal authority supporting the conclusion.

(5) On all orders, judgments or decrees prepared for signature, the name of the ordering judge, if known, must be typed immediately under the signature line prior to presentation for signature.

(6) All orders, judgments or decrees must include, at the end of the order, judgment or decree following the signature of the ordering judge, or the clerk, if appropriate, a "Service List" of the parties, or the party's attorney, to be served with a copy of the order, judgment or decree.

**(c) Filing, Service and Comment.**

(1) The attorney preparing the order, findings of fact and conclusions of law, judgment or decree must file the original document with the clerk with a certificate of service that copies have been served on any party who opposed the order and all parties who participated in the hearing from which the order arose.

(2) [A] Upon receipt of an order, findings and conclusions, judgment or decree, the court may enter the pleading.

[B] The opposing party, if not satisfied with the document, may move for amendment, alteration or other modification in accordance with Rules 52(b) or 59(e), Federal Rules of Civil Procedure, applicable through Rules 7052 and 9023, Federal Rules of Bankruptcy Procedure.

(3) The court may allow parties to submit proposed findings, orders and judgments on a computer disk in a computer language that is compatible with the court's computer system.

**(d) Orders Lodged After a Hearing.**

(1) If an order is submitted after a hearing, the hearing date must be set forth in the first paragraph of the proposed order.

(2) The lodging of the order constitutes counsel's representation that the form of the order fairly reiterates the substance of the ruling.

(e) **Ex-Parte Order.** An order submitted upon *ex-parte* application must be clearly labeled "*ex-parte*."

(f) **Orders Prepared by the Court.** [Abrogated]

**Related Provisions:**

FRBP 7052	Findings by the Court
FRBP 8002	Time for Filing Notice of Appeal
FRBP 9021	Judgment
FRBP 9022	Notice of Judgment or Order

FRBP 9023	New Trials; Amendment of Judgments
AK LBR 5005-4	Electronic Filing
AK LBR 5075-1(b)	Delegation of Ministerial Orders and Notices
AK LBR 9023-1	Motion to Amend Findings or for New Trial, Rehearing or Reconsideration

### **Rule 9023-1 Motion to Amend Findings or for New Trial, Rehearing, or Reconsideration**

(a) **Time for Filing.** A party filing a motion for rehearing or reconsideration must do so within the time specified in Rule 9023, Federal Rules of Bankruptcy Procedure.

(b) **Opposition.**

(1) Unless otherwise provided by the Code or Federal Rules of Bankruptcy Procedure or ordered by the court, no opposition to a motion to amend or make additional findings, for new trial, rehearing or reconsideration may be filed.

(2) The court generally will not amend or make additional findings, or grant a new trial, rehearing, or reconsideration without first requesting opposition be filed.

(3) No reply to an opposition to a motion to amend or make additional findings or for new trial, rehearing, or reconsideration may be filed unless requested by the court.

(c) **Submission Without Argument.** Unless the court otherwise orders, a motion to amend or make additional findings, for new trial, rehearing, or reconsideration will be submitted to the court for decision on the briefs without oral argument.

(d) **Deemed Denial.** Unless the court by order extends the time, if a motion to amend or make additional findings, for new trial, rehearing, or reconsideration has been pending before the court without decision for a period of thirty (30) days after the motion was filed, the last brief requested by the court has been filed, or oral argument on the motion is heard, whichever is later, the motion will be deemed denied without further order of the court.

(e) **Applicability to Rule 9024 Motions.** This rule applies to motions for relief from judgment or order under Rule 9024, Federal Rules of Bankruptcy Procedure, if the motion is made within the time specified in Rule 8002(b), Federal Rules of Bankruptcy Procedure.

(f) **Non-Appealable Orders.** The provisions of subsection (a) notwithstanding, a motion for reconsideration of a non-appealable order based upon an intervening change in controlling law may be made at any time prior to entry of an appealable order or judgment.

### **Related Provisions:**

FRBP 7052	Findings by the Court
FRBP 8002	Time for Filing Notice of Appeal
FRBP 9006	Time
FRBP 9023	New Trials; Amendment of Judgments
FRBP 9024	Relief from Judgment or Order
AK LBR 9013-1	Briefs; Memoranda

### **Rule 9033-1 Non-Core Proceedings**

(a) **General** In any proceeding that is not a core proceeding as defined in 28 U.S.C. § 157(b)(2) where the parties have not consented to entry of final orders by the bankruptcy court under 28 U.S.C. § 157(c)(2) or (e), the proceeding will not be transferred to the district court except upon the granting of a motion to withdraw the reference under Rule 5011, Federal Rules of Bankruptcy Procedure or as provided in AK LBR 9015-2.

(b) **Dispositive Matters.** Except as otherwise provided by statute or the Federal Rules of Bankruptcy Procedure, in any non-core proceeding referred to the bankruptcy court, motions made under Rules 12(b), 12(c), 12 (f), and 56, Federal Rules of Civil Procedure, are governed by Rule

9033, Federal Rules of Bankruptcy Procedure; provided, however, that the bankruptcy court may rule on any Rule 12(b) motion if the defect may be cured by amendment of the pleading and leave to amend is granted.

**(c) Nondispositive Matters.**

(1) Except as otherwise provided by statute, the Federal Rules of Bankruptcy Procedure, or ordered by the district court, nondispositive matters in a non-core proceeding referred to the bankruptcy court will be heard and determined by the bankruptcy court; provided, however, that any order imposing dismissal or the striking of a claim or defense as a sanction is deemed a dispositive matter.

(2) [A] Within ten (10) days after being served with a copy of the order of the bankruptcy judge, a party may serve and file objections to the order; a party may not thereafter assign as error a defect in the bankruptcy judge's order to which objection was not timely made.

[B] The district judge to whom the matter is assigned will consider the objection and must modify or set aside any portion of the bankruptcy judge's order found to be clearly erroneous or contrary to law.

**Related Provisions:**

28 U.S.C. § 157	Procedures
FRCP 12	Defenses and Objections—When and How Presented—By Pleading or Motion—Motion for Judgment on the Pleadings
FRCP 44.1	Determination of Foreign Law
FRCP 56	Summary Judgment
FRCP 72	Magistrate Judges; Pretrial Orders
FRBP 7008	General Rules of Pleading
FRBP 7012	Defenses and Objections—When and How Presented—By Pleading or Motion—Motion for Judgment on the Pleading
FRBP 9033	Review of Proposed Findings of Fact and Conclusions of Law in Non-Core Proceedings
AK LBR 9015-1	Jury Trials
AK LBR 9015-2	District Court Jury Trials—Pretrial Procedures

**Rule 9033-2 Certification to District Court Under 11 U.S.C. § 110(I) [Abrogated.]** Replaced by AK LBR 9013-3

**Rule 9036-1 Request For Notice By Electronic Transmission**

(a) **Written Request for Notice.** In all instances where notice is authorized to be given electronically under the Federal Rules of Bankruptcy Procedure, or by order of the court, notice may be given electronically provided the intended recipient of notice has filed with the clerk or served upon the party giving notice a written request for notice by electronic transmission that substantially complies with AK LBR 32.

(b) **Certificate of Service.** In instances where service is effected electronically, the noticing party must file the notice and an affidavit of service, consistent with the provisions of AK LBR 2002-1(e).

**Related Provisions:**

FRBP 9006	Time
FRBP 9036	Notice by Electronic Transmission
AK LBR 2002-1(e)	Certificate of Service
AK LBR 5005-4	Electronic Filing

**Rule 9037-1 Privacy Protection For Filings Made with the Court.** [*Abrogated*] Superseded by Fed. R. Bank. P. 9037.

**Related Provisions:**

E-Government Act of 2002, PL 107-347, § 205 "Federal courts"

11 U.S.C. § 101(41A) "personally identifiable information"

11 U.S.C. § 112 Prohibition on disclosure of name of minor children

FRBP 9037 Privacy Protection for Filings Made with the Court

AK LBR 9004-1 Form of Pleadings and Other Papers

**Rule 9070-1 Number of Copies** [*Abrogated*] Replaced by AK LBR 5005-2.

**Rule 9075-1 Hearings; Trials**

**(a) Places of Holding Court.**

(1) The Bankruptcy Court is located in Anchorage. Hearings and trials are scheduled as needed in Anchorage, Fairbanks, Juneau, Ketchikan, and Nome.

(2) Divisional offices are maintained in the United States District Court Office of the Clerk in Fairbanks and Ketchikan. Operation of these divisional offices is subject to budgetary constraints that may require their closure without notice.

**(b) No Hearing Required.**

(1) Absent objection, an actual hearing is not required for any "notice and hearing" matter except as otherwise required by the Bankruptcy Code or Federal Rules of Bankruptcy Procedure.

(2) Among the matters that require actual hearing are motions:

[A] to obtain conversion or dismissal of a case where the Code requires a hearing;

[B] objections to claims; and

[C] motions to sell free and clear of liens.

(3) [A] The moving party must, *ex parte*—

(i) lodge a proposed order consistent with AK LBR 9021-1, and

(ii) file a certificate that no objections were made, conforming to AK LBF 4.

[B] If the court determines a hearing is necessary, the court will inform the moving party of the date of the hearing.

**(c) Hearings and Calendar Requests.**

(1) In a matter in which a hearing is required the moving party must request a hearing date from the court; in all other matters either party may request a hearing date be set.

[A] Hearing dates are obtained from the office of the judge by submitting a completed Bankruptcy Court Calendar Request Form (AK LBF 7) available from the clerk's office.

[B] [*Abrogated*]

[C] The matter may not be promptly scheduled unless a hearing date has been requested from the court in accordance with this paragraph.

(2) [A] Unless one of the parties files a calendar request or unless a hearing is required by a rule or order of the court, a matter is deemed submitted for the court's consideration five (5) days after the time for filing objections has passed.

[B] Once a matter is deemed submitted, it is the responsibility of the moving party to submit a proposed order to the court, consistent with AK LBR 9021-1.

(3) [A] Written notice of the hearing must be filed and served on the opposing party, trustee, debtor, or debtor's attorney no later than seven (7) days prior to the date of the hearing.

[B] The matter may not be heard, or may be decided adversely to the non-complying party if the notice is not filed and served.

(4) [A] Unless otherwise ordered by the court, in any matter requiring less than seven (7) days notice the initiating party must, in addition to written notice, give telephonic notice of the hearing on or before the same day as written notice is given, to the opposing party, debtor and trustee, or their attorneys, if they are represented.

[B] Telephonic notice is not required if the party upon whom it should otherwise be made has not provided and maintained a current telephone number in the appropriate manner in the official Bankruptcy Court file.

[C] An affidavit or declaration of telephonic notice must be filed with the court at the same time written notice of hearing is filed.

(d) **Nonappearance by Requesting Party.** Whenever a party who has requested a hearing does not appear in person or by attorney at the hearing, the court may award the opposing party attorney fees occasioned by the non-appearance.

(e) **Affidavits/Declarations, Witnesses, and Expected Testimony.**

(1) Unless otherwise ordered by the court, to the extent not earlier served and filed, not later than seven (7) business days before the hearing, each party must comply with the requirements of Rule 26(a)(3), Federal Rules of Civil Procedure, and serve and file with the court:

[A] all affidavits or declarations under penalty of perjury upon which the propounding party intends to rely; and

[B] a listing of all exhibits intended to be introduced into evidence.

[C] Objections as provided in Rule 26(a)(3), Federal Rules of Civil Procedure must be served and filed not less than three (3) business days before the hearing.

(2) Service under this subsection must be made by personal delivery or by other means that ensures that the recipient thereof receives the materials on or before the due date.

(3) Unless otherwise agreed to by stipulation of the parties or order of the court, no affidavit or declaration under penalty of perjury will be admitted unless the affiant or declarant is made available for cross-examination by the opposing party.

#### **Related Provisions:**

11 U.S.C. § 102(1)	Construction of "Notice and Hearing"
FRCP 26	General Provisions Governing Discovery; Duty of Disclosure
AK LBR 2002-1	Notices
AK LBR 5071-1	Continuances
AK LBR 9013-2	Motion Practice
AK LBR 9015-1	Jury Trials
AK LBR 9021-1	Orders, Findings, Conclusions, Judgments
AK LBR 9036-1	Request for Notice by Electronic Transmission
AK LBR 9076-1	Telephonic Participation by Parties in Interest
AK LBF 4	Certificate of No Objection
AK LBF 7	Bankruptcy Court Calendar Request
AK LBF 10	Notice of Hearing on Application for _____
AK LBF 12	Certificate of Mailing of Notice of Hearing
AK LBF 24	Notice of Hearing
AK LBF 32	Request for Notice by Electronic Transmission



**Rule 9076-1 Telephonic Participation by Parties In Interest**

(1) At least three (3) days prior to a scheduled hearing or trial, a party wishing to appear telephonically should contact the in-court recording deputy clerk assigned to the presiding judge for the case.

(2) Telephonic participation is subject to the court's discretion and will generally be at the requesting party's expense.